

HC63ATI1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

S4 15 Cr. 867 RMB

5 MEHMET HAKAN ATILLA,

6 Defendant.

7 -----x

8  
9 December 6, 2017  
10 9:15 a.m.

11  
12 Before:

13 HON. RICHARD M. BERMAN,

14 District Judge  
15 and a jury

16  
17 APPEARANCES

18 JOON H. KIM,  
19 United States Attorney for the  
20 Southern District of New York  
21 MICHAEL D. LOCKARD,  
22 SIDHARDHA KAMARAJU,  
23 DAVID W. DENTON, JR.,  
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(APPEARANCES Continued)

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Also Present:  
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MICHAEL CHANG-FRIEDEN, Paralegal Specialist USAO  
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MS. SEYHAN SIRTALAN, Turkish Interpreter  
MR. M. TEKIN ESENDAL, Turkish Interpreter  
MR. BULENT BULUT, Turkish Interpreter

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1 (At the sidebar)

2 THE COURT: There is a small point I want to go over.  
3 A couple of the jurors have asked if they could have some time  
4 this week separately to review their notes, because there is a  
5 lot to absorb. So I was going to propose to them that they  
6 could do it one of these days, we'll give them maybe an extra  
7 half hour on a lunch break. But I would instruct them that  
8 they can't talk among themselves. It is only for the purpose  
9 of --

10 MR. KAMARAJU: Right.

11 THE COURT: -- reviewing their notes.

12 MS. FLEMING: That's new.

13 MR. KAMARAJU: I think that's okay, but can we just  
14 think about it and revisit it at lunch?

15 THE COURT: Sure.

16 (In open court)

17 MR. KAMARAJU: Your Honor, we had spoken yesterday  
18 about transcripts that the defense wanted to put up for the  
19 jury. We're fine with showing those to the jury and having  
20 them being offered subject to connection for when they put on  
21 their translator, subject to our right to put in a competing  
22 transcript if we think there is a problem.

23 THE COURT: Fine.

24 (Jury present)

25 THE COURT: We're going to pick up with the

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Zarrab - Cross

1 cross-examination of Mr. Zarrab by Ms. Fleming.

2 THE DEPUTY CLERK: Sir, before we begin, I'd like to  
3 remind you that you're still under oath.

4 THE WITNESS: Yes, ma'am.

5 THE DEPUTY CLERK: Thank you.

6 MS. FLEMING: Thank you, your Honor. May I proceed?

7 THE COURT: Yes.

8 REZA ZARRAB,

9 CROSS-EXAMINATION

10 BY MS. FLEMING:

11 Q. Good morning, Mr. Zarrab.

12 A. Good morning, ma'am.

13 Q. Mr. Zarrab, you were arrested in Miami in March of 2016,  
14 correct?

15 A. That is correct, ma'am.

16 Q. Mr. Atilla was arrested a year, approximately a year later  
17 in March of 2017; do you recall that?

18 A. I don't recall the exact date, but I remember that it was  
19 long after I was arrested, ma'am.

20 Q. You were shocked that he was arrested, weren't you, sir?

21 A. Yes, that is correct.

22 Q. You told people that you were shocked he was arrested at  
23 the time, correct?

24 A. Yes, that is correct, ma'am.

25 MS. FLEMING: May I ask the government, did you put

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1 3655-T into evidence?

2 MR. KAMARAJU: I don't think so.

3 MS. FLEMING: Can we pull up 3655, please, just for  
4 Mr. Zarrab and not for the jury yet.

5 Q. Mr. Zarrab, do you recognize the names that are here in the  
6 "to" and "from" line?

7 A. Yes, I recognize them, ma'am.

8 Q. Is the person who works at Royal one of your employees,  
9 Umut, the first person in the "from" line, is that an employee  
10 of yours at Royal?

11 A. Yes, he was one of the employees that worked for me as a  
12 member of the personnel during that time frame, ma'am.

13 Q. Do you recognize Exhibit 3655 as an e-mail to you?

14 A. Yes, ma'am.

15 MS. FLEMING: Would you turn to the next page and then  
16 the third page for Mr. Zarrab.

17 Q. Do you recognize 3655 as being a record that you keep in  
18 the ordinary course of your business?

19 A. These are the bits of information about the companies that  
20 I own.

21 MS. FLEMING: Your Honor, I would move 3655 into  
22 evidence.

23 THE COURT: What is it? Is it a document?

24 MS. FLEMING: Yes, a document. It is an e-mail with  
25 an attachment.

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1 MR. KAMARAJU: No objection.

2 THE COURT: I'll allow it.

3 (Government's Exhibit 3655 received in evidence)

4 MS. FLEMING: Can we please put it on the screen for  
5 the jury.

6 Q. Looking at these pages, these show the dates of  
7 establishment of a number of your companies; is that correct,  
8 Mr. Zarrab?

9 A. That is correct, ma'am.

10 Q. So Royal Holding Incorporated was established as of  
11 December 27, 2010; is that correct?

12 A. I mean, I don't recall the exact date. But based on this  
13 document here, that's what it looks like.

14 Q. And Government Exhibit 3655 shows us on page three, the  
15 second one up on the screen, that Safir Gold Trade was  
16 established on April 10, 2012, doesn't it, sir?

17 A. Based on the document that is shown here, it shows that it  
18 was 4/10/2012. But I don't recall the exact date of  
19 establishment.

20 Q. You are the one who established those companies, correct?

21 A. Companies are established by accountants in Turkey, but  
22 these companies were established under my name.

23 Q. They were established at your direction, correct, sir?

24 A. That is absolutely correct.

25 Q. Thank you.

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Zarrab - Cross

1 MS. FLEMING: Can we pull up Government Exhibit 3799  
2 which I believe is in evidence. Could we show the second page  
3 of this.

4 Q. Going back to the first page of Government Exhibit 3799,  
5 you identified this as an e-mail that you recognized that you  
6 had sent to Mr. Atilla at Halkbank. Do you remember testifying  
7 to that, sir?

8 A. Yes, ma'am, that's correct.

9 Q. Did Mr. Atilla reply?

10 A. I don't recall, ma'am.

11 Q. Have you seen in all of the discovery or in any of the  
12 documents in preparation for trial, out of all the documents  
13 that you've seen from your e-mails, have you seen a reply from  
14 Mr. Atilla?

15 A. I did not see all of the e-mails that I may have received,  
16 and I did not see all the documents in discovery. And to the  
17 best of my recollection, I don't remember seeing a reply to  
18 this e-mail right here, ma'am.

19 Q. Thank you.

20 MS. FLEMING: You can take that down.

21 Your Honor, may I approach, and with the government's  
22 permission, I'd like to use their blackboard with all the  
23 photos on it for a moment.

24 THE COURT: Sure.

25 MR. KAMARAJU: Of course.

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Zarrab - Cross

1 Q. Mr. Zarrab, are you able to see this, the blackboard with  
2 all the photographs on it?

3 A. I don't see all of them, but I see them partially, yes.

4 Q. Let me turn it a little bit. Is that better?

5 A. Yes, ma'am.

6 Q. Now, do you recognize Mr. Ghasemi?

7 A. It is true that I saw Mr. Ghasemi at a meeting in Turkey  
8 once, so I know him from that; that is correct, ma'am.

9 Q. So you have met him once, Mr. Ghasemi?

10 A. Yes, ma'am, that is correct.

11 Q. Mr. Mahmoud Bahmani. Am I saying that correctly?

12 A. Since I don't know him, I don't know the pronunciation of  
13 his name that well either. But I don't know him.

14 Q. And you've never met Mr. Bahmani; is that correct?

15 A. I did meet with Dr. Bahmani of the Central Bank, but the  
16 picture that is shown here looks different than Dr. Bahmani  
17 that I know, and it could happen in pictures it might look  
18 different.

19 Q. But you don't recognize this photograph as being the person  
20 you know as Mr. Bahmani?

21 A. I mean, I've met with Dr. Bahmani once at the Central Bank  
22 in Iran. But when I look at this picture of him, I just don't  
23 recall the person that I had met.

24 Q. You met him at the Central Bank of Iran?

25 A. Yes, ma'am, we met at a meeting at the Central Bank in Iran



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Zarrab - Cross

1 where my father was also present.

2 Q. This fellow, Mr. Hashem Pouransari, do you see that  
3 photograph?

4 A. I see the picture, I see him, ma'am.

5 Q. Do you know him?

6 A. I don't recall, ma'am.

7 Q. So you don't know if you've ever met him either, correct?

8 A. I don't recall, ma'am.

9 Q. Mr. Seifollah Jashnsaz, have you ever met him?

10 A. Yes, with Mr. Seifollah Jashnsaz, I have met with him a few  
11 times and I have met with him in person, so I have.

12 Q. Have you ever met Mr. Ali Khamenei, the Supreme Leader of  
13 Iran?

14 A. I have never met with the Ali Khamenei here who is  
15 described as the Supreme Leader of Iran.

16 Q. Have you ever met with Mahmoud Ahmadinejad, who is the  
17 former president of Iran?

18 A. I have never met with Mr. Ahmadinejad either, ma'am.

19 Q. Thank you.

20 MS. FLEMING: We'll take this down.

21 Q. I would just like to clear something up from yesterday. I  
22 asked you questions about the Al Nafees Exchange having been  
23 sanctioned by OFAC. Do you remember those questions?

24 A. Yes, ma'am, you had asked questions about Al Nafees  
25 yesterday, that's correct.

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Zarrab - Cross

1 Q. You told us yesterday that Al Nafees had never paid a fine  
2 for sanctions, correct?

3 A. I don't recall any fines that may have been paid by Al  
4 Nafees in a sanctions-related issue until I was arrested. If  
5 such a fine had been paid after I was arrested, I don't know  
6 about that.

7 Q. You do recall that sanctions were assessed against Al  
8 Nafees before you were arrested, don't you, sir?

9 A. Yes, it is correct that I had received information that  
10 indicated Al Nafees had received a warning with regards to  
11 OFAC.

12 Q. More than a warning, they had in fact been assessed a  
13 penalty by OFAC; do you remember that?

14 A. I had information that OFAC had assessed a fine against  
15 them. I know that too. That's correct, ma'am.

16 Q. When we left off yesterday, we were talking about  
17 Mr. Balkan.

18 MS. FLEMING: Your Honor, I think we're organized with  
19 recordings today.

20 Q. So just to put you back as to where we are.

21 THE COURT: Me or him?

22 MS. FLEMING: Mr. Zarrab. Your Honor, I would never  
23 put you back where we are. Only the witness.

24 THE COURT: I don't want to be there either.

25 MS. FLEMING: I know better.

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Zarrab - Cross

1 Q. Mr. Zarrab, just to remind you, you had testified about a  
2 meeting on October 4 at Halkbank, correct?

3 A. I did talk about a meeting within the month of October. I  
4 don't remember the exact date now.

5 Q. You identified that there were a number of people from  
6 Halkbank who were present, correct?

7 A. That is correct, ma'am.

8 Q. You testified that it was Suleyman Aslan and Mr. Atilla,  
9 correct?

10 A. In the meeting that was held along with the Iranians;  
11 that's correct, ma'am.

12 Q. You did not say that Mr. Levent Balkan was there, did you,  
13 sir?

14 A. That is correct, ma'am.

15 MS. FLEMING: Your Honor, I'd like to bring up 1 and  
16 1-T. I believe we have an agreement that these are in subject  
17 to authentication of the translations on the first page. So we  
18 can put them right in front of the jury and play -- excuse me.  
19 Defense Exhibit 1, and put up 1-T for the jury.

20 MR. KAMARAJU: Yes, your Honor, subject to connection.

21 THE COURT: Okay.

22 MS. FLEMING: So bring up 1-T first, please.

23 Excuse me, your Honor. Go to page two please, I'm  
24 sorry. Now can you play the recording, please.

25 I'm sorry, your Honor.

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Zarrab - Cross

1 THE COURT: That's all right.

2 (Audio recording playing)

3 Q. Mr. Zarrab, do you recognize the voices on this call?

4 A. Yes, ma'am, I recognize them.

5 Q. Who are they?

6 A. It's Mr. Suleyman Aslan and myself, ma'am.

7 Q. This is a phone conversation that took place within a day  
8 or so after the meeting you have described at which

9 Mr. Suleyman and Mr. Atilla was at Halkbank?

10 A. I don't remember the exact dates but it is after that,  
11 ma'am; that's correct.

12 Q. You were meeting with Mr. Suleyman at his old office in  
13 Gayrettepe, correct?

14 A. That is correct, ma'am.

15 Q. That was not the current headquarters of Halkbank in  
16 Istanbul, was it?

17 A. No, ma'am, that was not the current headquarters. They had  
18 moved already.

19 Q. You've never been to Mr. Atilla's office, have you?

20 A. I don't remember ever going into Mr. Hakan's office at the  
21 bank, ma'am.

22 Q. Do you know even what floor Mr. Atilla's office is on at  
23 the headquarters of Halkbank?

24 A. The Halkbank headquarters is a highrise, it has many  
25 floors, and I don't know which floor Mr. Hakan's office might

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Zarrab - Cross

1 have been.

2 Q. At the headquarter building, not this building where you're  
3 meeting Mr. Aslan in this conversation, Mr. Aslan's office was  
4 on the first floor of the headquarter building, correct?

5 A. Which headquarters again, ma'am?

6 Q. The headquarters of Halkbank, the new one, not the  
7 Gayrettepe, if I'm saying it right.

8 A. No, that is not correct, ma'am. Mr. Suleyman had two  
9 offices. One was at an upper level, one was at a lower level.

10 Q. When you say lower level, that was the ground floor of the  
11 bank when you come in?

12 A. Yes, one of them was at the entry level to the building,  
13 ma'am.

14 Q. Did you ever go to his upper floor office?

15 A. Certainly I have, ma'am.

16 Q. What floor was it on?

17 A. When you visit Halkbank, they have a different system when  
18 you get into the building. So you're greeted by security  
19 individuals, and they go into the elevator, they use their  
20 cards, they take you upstairs, and they take you over to the  
21 office you're supposed to be visiting. And as far as where  
22 Mr. Suleyman's office may have been, I don't remember the floor  
23 that he may have been at.

24 MS. FLEMING: Could we pull up, please, what's in  
25 evidence as Government Exhibit 209. Second page, please. We

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Zarrab - Cross

1 don't need to play this one. We've played it.

2 Q. Directing your attention, please, to the first several  
3 lines of the translation for 209. This is within several days  
4 of your meeting with Mr. Aslan that we just looked at where you  
5 met him in the old office, correct?

6 A. I don't recall the exact date, but this is a conversation  
7 that occurred after the meeting that I had with Mr. Suleyman at  
8 his offices in Gayrettepe.

9 Q. You're telling Mr. Happani "We will send two to Levent's  
10 boss on Monday," correct?

11 A. That is absolutely correct, ma'am.

12 MS. FLEMING: Can we pull up 211-T which is in  
13 evidence, please. Page two.

14 Q. This is another conversation between you and Levent Balkan  
15 in October of 2012; isn't it, Mr. Zarrab?

16 A. The date that is shown on this document reads October 24,  
17 2012. I don't recall the date exactly myself.

18 Q. During this time period you recall, do you not, that you  
19 were dealing with Levent Balkan with regard to matters  
20 involving the bank?

21 A. During this time frame, I do recall that I had conversed  
22 with and met with Mr. Levent Balkan on matters related to  
23 transactions, ma'am; that is correct.

24 MS. FLEMING: Can we pull up, please, and play 11-T.  
25 Defense Exhibit 11-T which we've agreed will go in subject to

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Zarrab - Cross

1 connection, your Honor. Go to page two, please.

2 Q. This is a conversation between you and Ruchan Bayar; isn't  
3 that correct, sir?

4 MS. FLEMING: Can we play the recording please.

5 (Audio recording playing)

6 Q. This conversation takes place approximately a year later,  
7 in October of 2013, correct?

8 A. The date that is shown on this document here is October 17,  
9 2013, ma'am, so that is correct.

10 Q. Levent Balkan has been gone from Halkbank for months at  
11 this point, hasn't he?

12 A. Though the exact date is unknown, based on this  
13 conversation, it is understood that he had left a long time  
14 before this conversation; that is correct, ma'am.

15 Q. And you're still discussing what his role had been with  
16 regard to you and your business at Halkbank, correct?

17 A. It would not be correct to say that we are talking  
18 specifically about my business with regards to Levent Balkan,  
19 but we are talking about Levent Balkan's involvement with  
20 Iranian trade in general. That's what it is, ma'am.

21 MS. FLEMING: Can we show Government Exhibit 273-T.  
22 273 is in evidence? Page two, please. This is in evidence,  
23 right?

24 MR. KAMARAJU: Yes.

25 MS. FLEMING: Can we play Government Exhibit 273,

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Zarrab - Cross

1 please.

2 Q. Just before we play it, this is a conversation between you  
3 and Mehtap who works at Halkbank, correct?

4 A. That is correct, ma'am.

5 Q. This is back, we're going back now to November 2012?

6 A. I don't recall the exact date of the conversation, ma'am,  
7 but the document here shows that the conversations had occurred  
8 on November 12, 2012.

9 Q. And Mehtap is a person, a woman who works in the  
10 operations, foreign operations department at Halkbank, correct?

11 A. It would not be correct for me to say that Ms. Mehtap  
12 worked at a certain place. I can't say her title. I don't  
13 know it. But I can say that she was an employee of the  
14 Halkbank at that time, ma'am.

15 MS. FLEMING: Can we play the recording, please. 273,  
16 Government Exhibit.

17 (Audio recording playing)

18 (Continued on next page)



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Zarrab - Cross

1 Q. Mr. Zarrab, your companies were good-sized clients for  
2 Halkbank, correct?

3 A. You mean that I was a good customer, big customer for them?  
4 Is that what you mean?

5 Q. Yes.

6 A. Yes, I would guess so, based on the commissions that were  
7 paid.

8 Q. And the employees treated you with respect, didn't they?

9 A. Halkbank personnel, the employees, always treated me with  
10 respect in every aspect, as it's also heard in these phone  
11 conversations, and I also, likewise, always treated them with  
12 respect as well.

13 Q. And it's true that even when they were nagging you for  
14 documents, they treated you with respect, correct?

15 A. Just as I said earlier, there was never a time where we  
16 faced any disrespect from the employees there, and likewise, I  
17 have never shown any lack of respect to them either.

18 Q. And if we could move back to page 4, here, please.

19 Ms. Mehtap is telling you that there's been a change in the  
20 OFAC regulations, correct?

21 A. Yes; that is correct, ma'am.

22 Q. And she is telling you that if you knowingly conduct  
23 transactions that have known direct or indirect association to  
24 the Iranian government, it's a problem, correct?

25 A. That is correct, ma'am.

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Zarrab - Cross

1 Q. And you say to her: "We don't have any transactions like  
2 that anyway," correct?

3 A. Of course that's what I was going to say. That's correct,  
4 ma'am.

5 Q. So you lied to her?

6 A. Since Ms. Mehtap did not know all the aspects and all the  
7 details about the business that we conduct, of course I did lie  
8 to her, ma'am.

9 Q. So you lied to the Halkbank employees who didn't know all  
10 the aspects and all the details of the business you conducted,  
11 correct?

12 A. I have never briefed Halkbank employees on what business we  
13 run, what it was and what trade it was. Those that knew were  
14 only at the higher levels, and the lower ranks never knew what  
15 we were doing.

16 Q. So you lied to the people at Halkbank that didn't know all  
17 of the transactions as you just described it; is that what  
18 you're telling the Court?

19 A. Whenever I received a call from a support employee at  
20 Halkbank, a lower-ranked employee at Halkbank, about our trade,  
21 of course I did not go into the detail about this was a  
22 transaction related to NIOC of Iran.

23 And there's one thing that I want to emphasize. In  
24 fact, on the phones we never spoke openly anyway. However,  
25 Ms. Mehtap had absolutely no information, and I should mention

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Zarrab - Cross

1 it.

2 Q. You lied to her, correct?

3 A. That is absolutely correct, ma'am.

4 Q. And you lied to other employees of Halkbank, correct?

5 A. To those employees that did not know. Whenever they asked  
6 questions, I did lie; that is correct, ma'am.

7 Q. And you told us that you lied to Hakkan Aydogan on an  
8 April 10th call yesterday, correct?

9 A. That is correct, ma'am. In that conversation with Hakkan  
10 Aydogan, I am not having a conversation with him about the  
11 nature of this business.

12 Q. All right. Could we bring up, please, Government  
13 Exhibit 215 and put -- and display 215-T to the jury.

14 This is a conversation between you and Mr. Balkan in  
15 November 2012, correct?

16 THE COURT: Do you want page 2?

17 MS. FLEMING: Page 2.

18 A. I, myself, don't remember what the exact date of the  
19 conversation was, but on this document that is shown here, the  
20 date shows up as November 15th, 2012; that is correct, ma'am.

21 Q. And it's between you and Mr. Balkan?

22 A. That is correct, ma'am. This is a conversation between  
23 myself and Mr. Levent Balkan. It's a transcript of it.

24 MS. FLEMING: Would you please play 215, Government  
25 Exhibit 215.

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Zarrab - Cross

1 (Audiotape played)

2 Q. Now, if I can direct your attention to page 3, you just  
3 said a minute ago that you were careful about not talking about  
4 things on the phone, correct?

5 A. To not mention things very openly. In fact, if it were to  
6 be completely closed off, then we would not have any of these  
7 conversation transcripts anyway.

8 Q. Well, you talked about it a lot because we have a lot of  
9 these phone calls, don't we?

10 A. Yes, ma'am. It's true that there are many phone  
11 transcripts.

12 Q. And here, you say: "Okay. Let's talk about that face to  
13 face." Do you see that?

14 A. Yes, ma'am; I see that.

15 Q. There are no such phrases in any of your conversations with  
16 Mr. Atilla, are there?

17 A. To the best of my recollection, in all the conversations  
18 that I listened to so far, I don't recall that, ma'am.

19 Q. In the four telephone conversations we had, with you and  
20 Mr. Atilla, never once does he say, let's go talk about that  
21 not on this phone, does he, sir?

22 A. I don't know how many conversations there might have  
23 between myself and Mr. Atilla, but within those that I had  
24 heard so far, either at the trial here or prior to, I don't  
25 recall him ever uttering those words, no.

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Zarrab - Cross

1 Q. And the next two lines on page 3, Mr. Balkan says: "If  
2 necessary, we can get Mr. Suleyman as well;" do you see that?

3 A. Yes, ma'am; I see that.

4 Q. He doesn't say, let's get Mr. Atilla, does he?

5 A. No, ma'am. He's not saying let's get Mr. Atilla either.

6 MS. FLEMING: Could we bring up Government  
7 Exhibit 217, which I think is in evidence. Let me confirm it.  
8 This hasn't been played. The government has graciously agreed  
9 we can play it.

10 THE COURT: It has not been played before?

11 MS. FLEMING: Can we bring up 217-T, and then -- I'm  
12 sorry, it's 219, 219.

13 THE COURT: Has it not been played yet?

14 MS. FLEMING: It's 219.

15 THE COURT: It has not been played before?

16 Q. And, Mr. Riza, this is a call, after an unidentified  
17 female, between you and Mr. Balkan again in December 2012,  
18 correct?

19 A. That is correct, ma'am.

20 (Audiotape played)

21 Q. If I can direct your attention to the bottom of page 4, do  
22 you see that Mr. Balkan says: "I'll do it that way. I'll go  
23 ahead and give the approval, then"?

24 A. Yes, I see that, ma'am.

25 Q. And you knew that Levent Balkan, in his position at

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Zarrab - Cross

1 Halkbank, had the authority to approve transactions such as you  
2 were discussing, correct?

3 A. I know that Mr. Levent Balkan has decision-making  
4 authority, but what I don't know is whether he goes back and  
5 talks or receives approval from somebody else within the bank  
6 for decisions that he's making.

7 Q. Is there a reason that -- withdrawn.

8 But when he says: "I'll go ahead and give the  
9 approval, then," he's not saying I'll go up the chain and get  
10 approval, is he?

11 A. Of course he's not, and I didn't say that he was either  
12 anyway.

13 Q. And you don't know -- withdraw it.

14 His direct report was Mr. Suleyman, wasn't it?

15 A. I don't know that, ma'am.

16 Q. You knew he was the head of the foreign operations  
17 department, Mr. Balkan?

18 A. I don't know his exact job title, but I know that during  
19 that time frame, he was one of the individuals, important  
20 individuals that was involved in Iranian transactions at the  
21 bank, ma'am.

22 Q. Now, we've heard a lot about the Iranian transactions.  
23 Your companies also had legitimate business, correct? You had  
24 real estate businesses and furniture businesses and other  
25 businesses, correct?

HC6PATI2

Zarrab - Cross

1 A. Yes, ma'am; that is correct, that they existed.

2 Q. Sorry, I keep interrupting. I do apologize. I think I'm  
3 starting to understand Turkish.

4 And, in fact, you kept your accounts for those  
5 legitimate businesses and transactions at Halkbank as well,  
6 correct?

7 A. That is partially correct, ma'am.

8 Q. You had some of them there, correct?

9 A. That is correct, ma'am.

10 Q. You had other accounts even in other countries, Dubai and  
11 other places where you did business, correct?

12 A. With regards to money transfers, I did have accounts in  
13 many places, but as far as my furniture business, my maritime  
14 business or my construction business, all those accounts were  
15 within the boundaries of the country of Turkey.

16 Q. And you were married to a very famous pop star in Turkey,  
17 correct?

18 A. That is correct, ma'am.

19 Q. She's well known throughout Turkey, correct?

20 A. That is correct, ma'am.

21 Q. And the two of you were very frequently in celebrity pages  
22 of magazines and the newspapers, correct?

23 A. That we were on there may not be very correct to say, but  
24 there were many bits of news that were published about us in  
25 the newspapers and magazines; that is correct, ma'am.

HC6PATI2

Zarrab - Cross

1 Q. And there were pictures of you with your lovely homes,  
2 correct?

3 A. That is correct, ma'am. The pictures that would have been  
4 taken by the media of my home may have been published.

5 Q. And there were pictures of you and your wife on yachts that  
6 you built or owned, correct?

7 A. It is true that there were pictures of me and my wife, my  
8 family on the yacht that I had owned, and these were pictures  
9 that were taken secretly by media, and they were published as  
10 such; that is correct, ma'am.

11 Q. And when you bought your wife a large ring for your  
12 marriage, that was well publicized, correct?

13 A. Since about 99 percent of the news that were published in  
14 the media about us and what I may have given to my wife were  
15 all bogus and false news, I don't know which one you might be  
16 referring to here. But it is true that the media published a  
17 lot of news about us.

18 Q. And you were a celebrity in Turkey during this time period,  
19 2012, 2013, correct?

20 A. Since I was married to a famous person, that is true that I  
21 was very visible.

22 MS. FLEMING: Could we please put up 221-T and -- just  
23 give me a minute.

24 (Pause)

25 I have the gracious ascent of the government to play



HC6PATI2

Zarrab - Cross

1 221-T.

2 Q. Page 2, please. And this is a conversation on  
3 December 25th, 2012, between yourself and ultimately Levent  
4 Balkan; is that correct?

5 A. I don't recall the exact date of my conversation with  
6 Mr. Balkan, but what's shown on this document as the date of  
7 the conversation is December 25th, 2012, ma'am.

8 Q. Thank you.

9 MS. FLEMING: Could you play it, please.

10 (Audiotape played)

11 Q. Now, directing your attention to page 3, Mr. Balkan is  
12 telling you that his colleague is requesting an invoice and a  
13 declaration; do you see that?

14 A. That is correct. I see that.

15 Q. And do you understand that that is a colleague from  
16 Halkbank looking for documents for a gold transaction?

17 A. That is what is understood from the phone conversation;  
18 that is correct, ma'am.

19 Q. Do you remember this conversation?

20 A. I remember, ma'am; that's correct.

21 Q. Up at the top of page 3, Mr. Balkan is saying: "Did you  
22 ask for that, the partnership structure;" do you see that? And  
23 you respond: "Brother, they asked for Dinar Co.'s," right?

24 A. No. I'd like to correct this area here. It may not have  
25 been understood correctly by madam here. I presume, in this

HC6PATI2

Zarrab - Cross

1 phone conversation, that what Levent Balkan was asking me to  
2 submit was the documentation for Dinar Co. I presumed in the  
3 conversation that he had asked for the partnership structure of  
4 Dinar Co. and then the conversation goes into Balkan saying,  
5 no, the colleagues are asking for an invoice, bill of lading  
6 and declaration, and that's what we talk about then.

7 Q. And you say -- withdrawn.

8 The partnership structure is because Halkbank requires  
9 documents to show who the partnership or shareholders are of a  
10 company in Iran, to be sure that it is not government related,  
11 correct?

12 A. As I had mentioned before, among the documents that  
13 Halkbank required, this document about partnership structure,  
14 showing the Iranian companies did not have relations with the  
15 Iranian government, was among these documents also; so that is  
16 correct.

17 Q. And then a little farther down, you say: "I didn't call.  
18 You know, it comes every day." Do you see that, in the middle  
19 of page 3? Are you speaking to Mr. Balkan, or are you speaking  
20 to somebody away from the phone?

21 A. I'm saying to someone else, ma'am.

22 MS. FLEMING: Could we pull up, please, Government  
23 Exhibit 225 and T. And I would ask that we play 225.

24 Q. Before we do, this is a conversation in January 2013  
25 between yourself and, ultimately, Mr. Balkan, correct?

HC6PATI2

Zarrab - Cross

1 A. I don't recall the exact date of the conversation, but what  
2 is shown on this document as the date of the conversation is  
3 January 21st, 2013, and the parties in this conversation are  
4 myself, Ms. Neslihan from Halkbank, and Mr. Levent Balkan,  
5 ma'am.

6 MS. FLEMING: Can we play it, please.

7 (Pause)

8 THE COURT: Ms. Fleming, we're going to take a  
9 two-minute break. So we'll excuse the jury.

10 (Jury not present)

11 THE COURT: Thanks.

12 MS. FLEMING: No, thank you, Judge.

13 (Recess)

14 (Continued on next page)

15  
16  
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HC63ATI3

Zarrab - Cross

1 (In open court; jury present)

2 THE COURT: We'll continue with the cross-examination.

3 THE DEPUTY CLERK: Sir, again I'd like to remind you,  
4 you're still under oath.

5 THE WITNESS: Yes, ma'am.

6 MS. FLEMING: Thank you, Judge Berman. May I proceed?

7 THE COURT: Yes.

8 BY MS. FLEMING:

9 Q. I believe we were just about to play Exhibit 225.

10 (Audio recording playing)

11 Q. I'd like to direct your attention to the middle of page two  
12 on, and you told Mr. Levent, "I wish we at least we had the  
13 opportunity to say good-bye to Mr. Levent, we should have  
14 thanked him for treating us well and valuing us all this time."  
15 Correct?

16 A. Yes, I see that, ma'am.

17 Q. You were being very gracious and telling him how much you  
18 appreciated him, correct?

19 A. I appreciate graciously everybody that worked at Halkbank,  
20 ma'am.

21 Q. The call we played earlier, Defendant's Exhibit 11 and  
22 11-T, which took place in October 2013, you told Ruchan Bayar  
23 that you had caused him to be fired from Halkbank; do you  
24 remember that conversation?

25 A. Yes, that's correct, ma'am, I remember that.

HC63ATI3

Zarrab - Cross

1 Q. Were you lying to Mr. Ruchan Bayar about having him fired  
2 at Halkbank?

3 A. There were some times -- some periods of time that  
4 Mr. Levant Balkan was getting into our company account,  
5 including getting our company account statements, and also  
6 sharing secrets of our -- about our trade, the trade that we  
7 were conducting. And as he was doing these things, I reported  
8 this to Halkbank general manager at that time. And the  
9 conclusion that was reached was what Halkbank had decided to on  
10 its own. And if we can emphasize the fact that what he was  
11 relaying, he was relaying these to our competitors.

12 Q. And you knew that at the time that you told Mr. Balkan you  
13 wanted to thank him for treating you so well; is that correct?

14 A. There are two separate issues at hand here. One is that  
15 what Mr. Levant Balkan had done for us throughout his tenure at  
16 the bank was most appreciated. But the fact that he conveyed  
17 information to our competitors such as our account statements  
18 and our trade secrets, that does not mean that all the work  
19 that he has provided for us should be erased all together. So  
20 he had provided much assistance to us during our Iranian trade  
21 business, and these are two separate issues.

22 Q. But as you are here testifying today, it's your belief that  
23 you are part of the reason that he was -- withdrawn.

24 You believe he was fired from Halkbank; is that your  
25 belief?

HC63ATI3

Zarrab - Cross

1 A. I don't know whether Mr. Levant Balkan was fired or if he  
2 had separated from his job at the bank. This is completely  
3 something that was done internally within the bank, and I don't  
4 know what had happened.

5 MS. FLEMING: Can we pull up, please, what's in  
6 evidence as Government Exhibit 6043. Page two, please.

7 Q. You identified on direct examination these as being a  
8 series of business cards that had been sent to you on or about  
9 October 12.

10 MS. FLEMING: Can we go to the prior page please.

11 Q. 2012. Do you see that?

12 A. That is not correct, ma'am. There might be perhaps a  
13 misrecollection or maybe misunderstanding there.

14 Q. You were not sent this, you were not sent a copy of these  
15 business cards by this e-mail on October 12, 2012?

16 A. I'm wondering if madam is talking about a different piece  
17 of evidence. I wonder if it is possible that the exhibits got  
18 mixed up. This is one that was sent out from Royal Maritime,  
19 it's not one that was received by Royal Maritime.

20 Q. So you're not even on this e-mail, correct?

21 A. No. What I'm trying to say here, what I'm trying to  
22 clarify here is the e-mail was from the Info@Royalcraft  
23 address, and what madam had said was this was received by me,  
24 I'm trying to clarify that's not the case.

25 Q. Thank you for the correction. Did you personally send this

HC63ATI3

Zarrab - Cross

1 e-mail?

2 A. No, ma'am. I don't recall sending this. The  
3 Info@Royalcraft address was not used personally by me.

4 Q. If we can go back to page two, please. You identified that  
5 you recognized the business cards of I believe you said three  
6 people here. Mr. Atilla's, Mr. Aslan's, and I believe you said  
7 the fellow from Turkish Petroleum International Company. Am I  
8 correct?

9 A. That is correct, ma'am.

10 Q. You do not even know who the other people are that are  
11 contained on page two of the e-mail that is Government Exhibit  
12 6043 that comes from your company but not from you, correct?

13 A. What I'm stating is that I don't recall them, ma'am.

14 MS. FLEMING: Can I ask that we put up 2-T, I think we  
15 have an agreement that this goes in. Go to page two, please.

16 Q. Could you explain to us who the other caller to this call  
17 is?

18 A. Nesteren Zarei Deniz.

19 Q. Who is that?

20 A. Nesteren Deniz Zarei is a woman.

21 Q. Where does she work?

22 A. She has her own company, she works independently on her  
23 own.

24 Q. What kind of business does she have?

25 A. She brokers Iranian trade as well. In other words, she's a

HC63ATI3

Zarrab - Cross

1 commissioned person, a person that receives commissions in the  
2 middle of the trade.

3 Q. At this time, in 2013, did she participate in the gold  
4 trade with Iran?

5 A. I don't remember, ma'am, I don't recall.

6 Q. Do you remember what kind of business at all she did  
7 participate in with Iran?

8 A. Of course I recall the parts that pertain to me. And I can  
9 explain those if you'd like.

10 Q. Just tell me what kinds of goods did she participate in  
11 that you remember.

12 A. As I had just testified, I don't know what business she is  
13 involved in. I know the part that pertains to me. And in  
14 that, she and I were working together on money transfer trade,  
15 and she would receive business from Iranian banks, and she  
16 would get her commission from that type of business. And she  
17 would work with me, she would send those jobs to me, we would  
18 work together on those. So in short, she was one of my  
19 clients.

20 Q. Was she a front company?

21 A. No.

22 Q. Was she Turkish?

23 A. If I know correctly, I believe she is a citizen of Iran and  
24 Turkey.

25 MS. FLEMING: Can we please play the call that is 2-T.



HC63ATI3

Zarrab - Cross

1 (Audio recording playing)

2 Q. I'd like to direct your attention to page two of  
3 Defendant's Exhibit 2-T.

4 A. Go ahead, ma'am.

5 Q. You told us that you worked with Ms. Deniz?

6 A. Many times, ma'am.

7 Q. You worked with her on Iranian transfers?

8 A. That is correct, ma'am.

9 Q. Just to be clear, not all business between Turkey and Iran,  
10 including with gold, violates sanctions, does it at this time?

11 A. I would only know my own trade that I'm conducting. There  
12 is no way that I would know what other people might be doing in  
13 their trade.

14 Q. All right. Now, directing your attention to page two. You  
15 say at the bottom "No, Halkbank wouldn't know things like  
16 that." You see that?

17 And then a little farther down you tell her, "No, no.  
18 It only acted as an intermediary for accredited transit."

19 Do you see that?

20 By "it," do you mean Halkbank?

21 A. So, in this phone conversation, if you were to take a row  
22 and dismiss all that was before and after that row, each row  
23 can mean something different on its own.

24 So, evaluation of this section should be made based on  
25 listening to the call from the very beginning of it and the

HC63ATI3

Zarrab - Cross

1 information that was provided from the beginning onward.

2 So what Ms. Nesteren is saying is Sarmayeh is getting  
3 a certain amount of money set aside at Central Bank of Iran for  
4 customers, and Sarmayeh is getting 5 percent. And they are  
5 getting their cut from that commission of the 5 percent, and  
6 they're giving me the two and a half percent commission. And  
7 they're having me do the transaction.

8 So, what I mean here, where I say No, Halkbank  
9 wouldn't know things like that, this section, so here I'm  
10 talking about the procedure that happens within Iran. I'm  
11 talking about Halkbank not knowing Sarmayeh getting 5 percent  
12 from its money transfer from the Central Bank of Iran.

13 Q. That's because you didn't tell Halkbank what you were doing  
14 after you left Halkbank, correct?

15 A. At Halkbank, specific people at Halkbank had information  
16 about the business that I conduct, most definitely.

17 Q. Did Mr. Atilla design this two and a half percent  
18 commission that you have here, too? Was this part of his grand  
19 plan for you?

20 A. In terms of determining the two and a half percent  
21 commission that I would be receiving, Mr. Hakan Atilla would  
22 not have any part in that. But in terms of the system that was  
23 developed for me to be able to utilize this two and a half  
24 percent commission, in there, Mr. Hakan had a role.

25 Q. He had done that as of February 13, 2013; that's what your

HC63ATI3

Zarrab - Cross

1 testimony is?

2 A. I don't know exact dates on this. What I'm saying is at  
3 the beginning of the food trade, where the method and the  
4 system was developed at Halkbank, Mr. Hakan Atilla had his  
5 contributions into that. In terms of the dates and the other  
6 information, that would not be correct to say.

7 Q. There is no question pending.

8 Your discussion here on page two, you're discussing  
9 about Halkbank acting as an intermediary for accredited  
10 transit. Do you see that?

11 A. That is correct, ma'am.

12 Q. Let's turn to 3-T.

13 MS. FLEMING: This is Defendant's 3-T. Which, again,  
14 your Honor, we have by stipulation. This is subject to our  
15 case.

16 Could you put up page two, please, of 3-T. Would you  
17 play, please, 3-T.

18 I guess I'm asking you to play Exhibit 3. 3-T is the  
19 transcript. Thank you.

20 (Audio recording playing)

21 Q. This is a conversation between you and Ruchan Bayar in  
22 March 2013; is that correct?

23 A. I don't recall the date exactly, ma'am, but the date that's  
24 shown on this document is March 1st, 2013; that is correct.  
25 And the phone conversation is between myself and Ruchan Bayar.

HC63ATI3

Zarrab - Cross

1 That is correct, ma'am.

2 Q. If I direct your attention to page three, you are  
3 discussing with Mr. Bayar in the middle of the page to the  
4 bottom that you need to get a customs declaration, correct?

5 A. Yes, ma'am, I see that.

6 Q. Are you discussing with him how to get a legitimate customs  
7 declaration?

8 A. If we compare it to the one in Turkey, then, yes, ma'am.

9 Q. If you look at whether it's a Chinese one, is it still  
10 legitimate for China?

11 A. At least there were products or goods involved in the  
12 business, the customs documents we were running out of China.  
13 In the ones we were running out of Turkey, there was never a  
14 real trade involved.

15 Q. This is in March 2013, correct?

16 A. That is correct, ma'am.

17 Q. Turning to page four. Mr. Bayar tells you that "Their  
18 documents and contracts need to be prepared and the stamps are  
19 with us ready." Do you see that?

20 A. I see that, ma'am.

21 Q. Now, you're not discussing postal stamps, are you, sir?

22 A. No. He's talking about stamps for the documents that would  
23 be between companies here, ma'am.

24 Q. These were going to be stamps that would be fake documents  
25 made to look like legitimate documents, correct?

HC63ATI3

Zarrab - Cross

1 A. Here, we are talking about the stamp for the stationery  
2 that would be used for the Tianjin Company in China which was  
3 under my control.

4 Q. So, would you agree with me that if you did not explain  
5 this, this would be -- some people could read this phrase  
6 differently?

7 MR. KAMARAJU: Objection, your Honor.

8 THE COURT: Sustained.

9 Q. Turning to page six. At the top Mr. Bayar says to you,  
10 "Um, three more companies of ours are almost complete. They're  
11 still not complete." Do you see that?

12 A. I see that, ma'am.

13 Q. Are these front companies that you are putting together?

14 A. Yes, ma'am, these are front companies that we're about to  
15 establish.

16 Q. You and Mr. Bayar were establishing these companies?

17 A. They were being established at my direction by Mr. Bayar in  
18 China, but they were being established under the names of other  
19 individuals and not under the name of Mr. Bayar.

20 Q. You go on to discuss with him that even if somebody doesn't  
21 want to talk money, or a bribe, that you should give him a  
22 watch anyway.

23 Do you see that? Looking at the bottom of page eight.

24 A. You can mark it here, please?

25 Q. At the bottom of page eight you say -- Mr. Bayar says, "I

HC63ATI3

Zarrab - Cross

1 said let's get this man a watch, a Rolex worth 30, \$40,000.

2 Even if he is not taking money, let's make it a gift."

3 Do you see that, that you are discussing with him?

4 A. I see the section where Ruchan Bayar is saying this to me,  
5 ma'am; that's correct.

6 Q. You agreed with him, didn't you?

7 A. If Mr. Ruchan wanted to get a watch and give it to a bank  
8 official, I would have definitely approved of it, ma'am.

9 Q. On the next page, on nine, you told Mr. Bayar, looking at  
10 the middle of the page, that a relative of yours used to say  
11 that "when it comes to prostitutes and officers, tip them in  
12 advance, he would say." Do you see that?

13 A. I see that, ma'am.

14 Q. Then Mr. Bayar says a little bit down, "In fact, if you  
15 were to give it to people when you have no business with them,  
16 later they would all do this job for you for much less."

17 Do you see that?

18 A. I see that, ma'am.

19 Q. You believe, and have said, that you believe every person  
20 has a price. Correct?

21 A. Everyone who is inclined to be bribed has a price, ma'am;  
22 that is correct.

23 Q. You have said everyone has his price, haven't you? Those  
24 words, sir?

25 A. The words are correct, but what I mean in that sentence, as

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Zarrab - Cross

1 the person who is saying it, is that I had meant that those  
2 that are inclined to receive bribes do have a price.

3 Q. So the person who says the words should be the person who  
4 interprets the words, correct?

5 MR. KAMARAJU: Objection.

6 THE COURT: Sustained.

7 MS. FLEMING: Can we show what's marked as Exhibit  
8 291, please. I think this is in.

9 I'm sorry. Can you go to page two, please.

10 I'd like to replay this. Government Exhibit 291.

11 THE WITNESS: This was played before, I remember it.  
12 But if you'd like to play it again, certainly.

13 MS. FLEMING: Thank you. I was asking the judge.

14 Is it all right, your Honor?

15 THE COURT: Yes.

16 MS. FLEMING: Thank you. Could we replay, please,  
17 291.

18 (Audio recording playing)

19 (Continued on next page)

HC6PATI4

Zarrab - Cross

1 BY MS. FLEMING:

2 Q. That's a conversation between you and Mr. Happani that took  
3 place at the end of March 2013; is that correct?

4 A. First of all, I'd like to apologize to the madam because I  
5 thought that the question has been posed to me before we had  
6 listened to this call; so I apologize for that one.

7 I don't recall the date of this call, but based on  
8 what's shown on the document, it shows that it's March 26,  
9 2013, ma'am.

10 Q. If I could direct your attention to page 3 and at 291-T,  
11 down towards the bottom, you are telling Mr. Happani to provide  
12 cikina?

13 A. Cikinova.

14 Q. And that, you told us, means false documents, correct?

15 A. Cikinova is a term that we used amongst the personnel of  
16 mine for any trade that was not real and any trade that did not  
17 include -- involve real goods, ma'am.

18 Q. The next sentence you say is, on page 3: "The system is  
19 ready. I mean, it's not a big deal." Do you say that,  
20 Mr. Zarrab?

21 A. Yes, ma'am, that's what I said.

22 Q. Then you say: I will fly to Dubai right away and will  
23 arrange for the things, the documents, the cikinova documents.  
24 Do you say that?

25 A. Yes, ma'am; I said that.



HC6PATI4

Zarrab - Cross

1 MS. FLEMING: Your Honor, just for planning purposes,  
2 I have one more short call in this series, and then I have --

3 THE COURT: Go ahead.

4 MS. FLEMING: -- another one. Okay. Could we pull up  
5 Government Exhibit 236-T, which I believe is in evidence.  
6 Page 2, please. And could we play Government Exhibit 236-T.

7 (Audiotape played)

8 BY MS. FLEMING:

9 Q. And I'm directing your attention, please, to the last page  
10 of the conversation, page 3.

11 A. Go ahead, ma'am.

12 Q. Do you see that Mr. Happani says: "Whatever the system is,  
13 let's get started right away, brother. In fact, let's get  
14 started right away through Volgam, if you like." Do you see  
15 that?

16 A. Yes, ma'am; I see that.

17 Q. And you ultimately used Volgam as a food company, correct?

18 A. It is true that I had used Volgam as a food company, but if  
19 we were to look at the sentence just above this, it would also  
20 show that the system was not ready yet.

21 Q. If we look at the prior conversation I just played, it says  
22 the system is ready; doesn't it, sir?

23 A. The system was ready in terms of only the documents that  
24 would be obtained from Dubai. In terms of those customs  
25 documentation that would be obtained from Dubai, that's what I

HC6PATI4

Zarrab - Cross

1 was saying, and I'll continue. But in terms of what it says  
2 here, that we would hit money from Halkbank directly to Dubai,  
3 ma'am, we have never sent directly any money from Halkbank to  
4 Dubai. So that's why I said here that the system was not ready  
5 yet.

6 MS. FLEMING: Your Honor, do you want to break, or do  
7 you want me to keep going?

8 THE COURT: Keep going.

9 MS. FLEMING: This is the new -- All right.

10 Q. Let's turn to -- you testified that this system that you  
11 have said that Mr. Atilla designed, you had a meeting with him  
12 sometime in April of 2013, correct?

13 A. That is not correct.

14 Q. When did you -- oh, you said sometime in the fourth or the  
15 fifth month of the year; is that what your testimony was?

16 A. In the question that madam asked me, it could be deduced  
17 that the system was developed by -- completely by Mr. Atilla.  
18 In fact, in my testimony, what I had mentioned was in the  
19 development of the system, Mr. Atilla had made contributions to  
20 it.

21 Q. And the meeting where Mr. Atilla made contributions,  
22 according to you, happened when?

23 A. I don't recall the exact date, ma'am.

24 Q. Can you give us any help on pinning down a date when this  
25 meeting took place?

HC6PATI4

Zarrab - Cross

1 A. It could be the fourth month, it could be the fifth month.  
2 If madam has anything that -- any document that she could  
3 provide that could refresh my mind, I'm ready to look at that.

4 Q. Well, you spent, you told us, 35 sessions with the  
5 prosecution team after you agreed to cooperate, correct?

6 A. I do not --

7 Q. You had -- I'm sorry.

8 A. I do not recall the exact number, ma'am. What I had said  
9 was it may be approximately 35. I don't know the exact number.

10 Q. You spent many, many hours looking at the evidence in this  
11 case, correct?

12 A. Of course during our meetings, there were times that we had  
13 looked at evidence, but I do not have a count of how many hours  
14 or for how long I may have looked at them.

15 Q. And initially you told the prosecution team that you  
16 believed the meeting happened April 4th, 2013, correct?

17 A. No, ma'am. I don't recall such a thing.

18 MS. FLEMING: Your Honor, may I have a moment?

19 THE COURT: Sure.

20 (Pause)

21 Q. Do you remember, after reviewing some transcripts and  
22 recordings with the prosecutors, saying that upon further  
23 review, you thought the date might be a little bit later than  
24 April 4th?

25 A. I don't recall ever saying anything to the prosecution in

HC6PATI4

Zarrab - Cross

1 terms of what date that may have been.

2 Q. You don't remember ever discussing the dates of this  
3 meeting, where Mr. Atilla made the contributions, in the last  
4 several months?

5 A. It is correct that the fourth month or the fifth month,  
6 just as I have said here today, I would have said that same  
7 time frame to the prosecutor's office as well, ma'am; that is  
8 correct.

9 Q. But you have no recollection, between the time you started  
10 cooperating and today, of ever telling them that this meeting  
11 took place prior to April 5th, 2013?

12 A. So I recall that I had mentioned during or in between the  
13 fourth and the fifth month, but I don't recall giving a  
14 specific date, ma'am.

15 MS. FLEMING: Could we pull up Government  
16 Exhibit 298-T. I'm sorry, wrong one. I said the wrong one.  
17 It is 295-T. Page 2, please. I'd like to play this call,  
18 please. Government's Exhibit 295.

19 (Audiotape played)

20 Q. Now, Mr. Reza, this is the call that you told us Mr. Atilla  
21 clearly had no idea that there were any false food products  
22 involved in this, correct?

23 A. As I had testified before, Mr. Hakan Atilla, as of this  
24 phone conversation, has no information as to there being no  
25 food products being sent from Dubai to Iran. He was informed

HC6PATI4

Zarrab - Cross

1 that the food trade would be taking place, but as to the fact  
2 that no goods would be sent as of this time, he has no clue.

3 Q. We'll get to it. In this call, you lie to him, don't you?

4 A. In this conversation, I'm trying to tell him that -- of  
5 course, I'm trying to tell him that there would be something  
6 sent from Dubai, and this is so much different than what  
7 Mr. Suleyman Aslan and we had talked about; so it is correct,  
8 he does not have the information I'm trying to explain to him  
9 here.

10 Q. So you lied to Mr. Atilla, correct?

11 A. Yes, that is correct, ma'am.

12 Q. And you lied to him as of April 10th, 2013, at 11:45 in the  
13 morning, correct?

14 MR. KAMARAJU: Your Honor?

15 A. I don't recall the exact time or the date, but if what is  
16 written here is correct, then that is correct, ma'am.

17 Q. You lied to him --

18 THE COURT: So, counsel, I think this would be a good  
19 time for us to take our lunch break. We'll see everybody back  
20 here at 2:00.

21 MS. FLEMING: Thank you, your Honor.

22 (Jury not present)

23 THE COURT: See you at 2:00.

24 MS. FLEMING: Thank you, your Honor.

25 (Luncheon recess)

HC6PATI4

Zarrab - Cross

## A F T E R N O O N   S E S S I O N

2:00 P.M.

(Jury not present)

(At the side bar)

THE COURT: Is it okay? And by "okay" I mean whether the jurors could have time in the jury room to look at their respective notes at their request.

MS. FLEMING: I'd give them the afternoon off, if you want. Works for me.

THE COURT: It depends on where we are in the calendar.

MR. KAMARAJU: From our perspective, I think it's fine, as long as they're instructed not to deliberate and to keep an open mind until deliberations begin.

THE COURT: I usually also instruct at the end -- maybe I did already at the beginning -- that notes are not evidence.

MR. ROCCO: Yes, I think that that's --

THE COURT: Did someone else have something else?

MR. ROCCO: Mr. Denton, had a good suggestion, but if your Honor's practice is to let the jurors leave the pads behind, might the Court allow the jurors to take their pads with them?

THE COURT: Home, you mean?

MR. ROCCO: No, no.

HC6PATI4

Zarrab - Cross

1 THE COURT: Oh, into the jury room?

2 MR. ROCCO: Yes.

3 THE COURT: That's the idea.

4 MR. ROCCO: But I mean regularly, as opposed to just  
5 on special occasions.

6 THE COURT: I think not. I mean, I think not.

7 MR. ROCCO: Okay.

8 THE COURT: They didn't ask.

9 MS. FLEMING: What if they lose one.

10 MR. ROCCO: That's right, but also, I think in most  
11 cases where jurors take notes, they basically keep their pads  
12 with them at the end of the day.

13 THE COURT: I do think that the possibility is that  
14 somebody will forget to take it or take it home. This is all  
15 they asked to do, was just to have some time. I thought we  
16 would do it over a lunch break, maybe add an extra half hour  
17 added onto lunch.

18 MR. KAMARAJU: That's fine with us.

19 MR. ROCCO: Okay. Thank you, your Honor.

20 THE COURT: Thanks very much.

21 MS. FLEMING: I apologize, Judge, for keeping my hands  
22 in my pocket because it's freezing in here.

23 THE COURT: I know. Everyone is coughing, including  
24 myself.

25 MR. KAMARAJU: One thing, he may require a couple more

HC6PATI4

Zarrab - Cross

1 bathroom breaks this afternoon. It's up to you, your Honor, if  
2 you want it on the record.

3 THE COURT: Sure, why not.

4 MR. KAMARAJU: Just because of a health condition.

5 THE COURT: Yes, so typically what he's done is sort  
6 of signal me, can I have a break, and that's when I --

7 MR. KAMARAJU: If it's okay, I'll just tell  
8 Mr. Anello.

9 THE COURT: Do you have any idea how often?

10 MR. KAMARAJU: I don't. I think the same schedule,  
11 but I don't think it needs to be every five minutes.

12 THE COURT: You don't have to inquire about that, just  
13 say it's fine.

14 MR. KAMARAJU: Okay.

15 MS. FLEMING: And, your Honor, I appreciate your  
16 asking me, but honestly, you can just feel free to just....

17 THE COURT: Well, I particularly did because we were  
18 in the middle of some things.

19 MS. FLEMING: It's okay.

20 MR. KAMARAJU: Of course, we don't want that to be the  
21 case, if you're in the middle of a line of question.

22 MR. DENTON: Your Honor, we had a short letter that we  
23 wanted to submit. The government doesn't actually ask for any  
24 action. It's just something we want to put on the record in  
25 writing about our treasury witnesses. We didn't want to submit



HC6PATI4

Zarrab - Cross

1 it without asking for permission.

2 THE COURT: You mean, you want to put it up on the  
3 docket?

4 MR. DENTON: Yes.

5 THE COURT: Yes, sure.

6 MR. DENTON: We can give you a copy now.

7 THE COURT: I don't know the reason, but we'll take  
8 it, and give it to them.

9 MR. DENTON: That's fine.

10 THE COURT: Okay. I think we're ready to roll.

11 MR. DENTON: And we'll file it as soon as we get out  
12 of court.

13 (Continued on next page)

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HC6PATI4

Zarrab - Cross

1 (In open court)

2 THE DEPUTY CLERK: Ready?

3 THE COURT: Yes.

4 (Jury present)

5 THE COURT: Please be seated, everybody, and we'll  
6 continue with the cross-examination by Ms. Fleming.

7 MS. FLEMING: Thank you, your Honor. May I proceed?

8 THE COURT: Yes.

9 THE DEPUTY CLERK: One moment, counsel. Sir, I'd just  
10 like to remind you that you're still under oath.

11 THE WITNESS: (In English) Yes.

12 BY MS. FLEMING:

13 Q. Before we broke, Mr. Reza, I asked you whether you recalled  
14 discussing with members of the prosecution team fixing a date  
15 for this meeting where Mr. Atilla was supposed to have helped  
16 improve the system. Do you recall me asking you those  
17 questions?

18 A. Yes, ma'am.

19 Q. And you told us you didn't remember that, correct?

20 A. Yes, ma'am.

21 MS. FLEMING: I'd like to ask that only for  
22 Mr. Atilla, not the jury -- sorry, Mr. Zarrab, not the jury,  
23 would you bring up 3501-52, and would you please go to the  
24 second page.

25 Q. Reading to yourself, please, not saying anything out

HC6PATI4

Zarrab - Cross

1 loud -- and if you need the interpreter to help, could you  
2 please do it without the microphone -- would you look at the  
3 section that starts four, five?

4 THE COURT: Could you tell us what this is?

5 MS. FLEMING: It's Jencks material, your Honor.

6 THE COURT: What does it purport to be, notes?

7 MS. FLEMING: Yes.

8 THE COURT: Is it from Mr. Atilla? Did he write  
9 these?

10 MS. FLEMING: Mr. Zarrab. I think you caught my --

11 MR. KAMARAJU: Your Honor, I'll have to explain at the  
12 sidebar, but these are not notes that Mr. Zarrab has written.

13 THE COURT: Okay.

14 BY MS. FLEMING:

15 Q. Could you read that, please, and see if that refreshes your  
16 recollection.

17 (Pause)

18 Did you have a chance to read it?

19 A. Yes, ma'am.

20 Q. Does that refresh your recollection that on November 14th,  
21 2017, you told members of the prosecution team that the meeting  
22 you have described to us took place on April 5th, 2013?

23 A. No, it absolutely does not refresh my memory. I don't  
24 recall ever mentioning such a date in here, ma'am.

25 Q. Could you take that down, please. Now, in preparation for

HC6PATI4

Zarrab - Cross

1 testimony, you also prepared timelines for the members of the  
2 prosecution team; isn't that correct?

3 A. That is not correct, ma'am.

4 Q. Did you work with members of the prosecution team to  
5 prepare Excel spreadsheet timelines?

6 A. That is not correct, ma'am.

7 MS. FLEMING: Would you bring up, please, just for  
8 Mr. Zarrab, not the jury, 3501-054.

9 MR. KAMARAJU: Objection, your Honor.

10 THE COURT: Could I take a look?

11 MS. FLEMING: I was going to ask the refresh  
12 recollection question, your Honor.

13 THE COURT: Why don't you come here.

14 (Continued on next page)  
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HC6PATI4

Zarrab - Cross

1 (At the side bar)

2 THE COURT: Okay. So the question is, what do you  
3 want to show him?

4 MS. FLEMING: I was going to show him what was  
5 provided to us in 3500 material.

6 THE COURT: What is it?

7 MS. FLEMING: I believe it is a timeline. He  
8 testified before that he prepared Excel spreadsheets, and it is  
9 timelines, including spellings that look like it's somebody who  
10 was in a foreign language. Chief, for example, is spelled  
11 C-h-e-e-f.

12 THE COURT: But you have no knowledge that it is his.

13 MS. FLEMING: Well, only what he testified to earlier.  
14 What I was going to do was ask him if it refreshes his  
15 recollection.

16 MR. KAMARAJU: He didn't say he didn't remember. The  
17 question was, did you prepare timelines with the prosecutor's  
18 help. He said no.

19 MS. FLEMING: That's different, all right.

20 (Continued on next page)

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HC6PATI4

Zarrab - Cross

1 (In open court)

2 BY MS. FLEMING:

3 Q. Did you, at any point, look at any timelines that were  
4 prepared with the prosecution team in preparation for trial?

5 A. The Excel documents containing a timeline is a document  
6 that I had prepared for myself to help me remember things. It  
7 was not something that was prepared with the prosecution team.

8 Q. Did you provide that Excel spreadsheet to the members of  
9 the prosecution team?

10 A. All the work that I have done since I'm supposed to turn  
11 them over to prosecution as evidence, even if it's work that I  
12 have done on my own, I have submitted everything as evidence to  
13 them, ma'am, yes.

14 Q. What was the title of the timeline Excel spreadsheet that  
15 you prepared? What's across the top of it?

16 A. I don't remember, ma'am.

17 Q. How many versions of the Excel spreadsheet that you  
18 prepared did you provide to the prosecution?

19 A. I don't remember the number, ma'am.

20 Q. Did you keep all versions of it, or did you rewrite over  
21 them?

22 A. No, I saved each of them as separate versions, ma'am.

23 MS. FLEMING: May I have a minute?

24 (Pause)

25 Your Honor, can I ask just for Mr. Zarrab, that

HC6PATI4

Zarrab - Cross

1 3501-54 be shown to him so that he can identify it?

2 THE COURT: Yes.

3 MS. FLEMING: Not for the jury, please.

4 BY MS. FLEMING:

5 Q. Mr. Zarrab, would you look at 3501-54, and would you tell  
6 us whether that is one of the Excel spreadsheet iterations that  
7 you just described?

8 A. Yes, ma'am.

9 Q. It is. Could we scroll through the pages, and would you  
10 identify and see whether all of the pages are pages that you,  
11 in fact, identified -- I'm sorry, bad question.

12 Is this the entire document, that is 3501-54, are  
13 these all pages on an Excel spreadsheet that you prepared?

14 A. It is in the same format as the Excel spreadsheet that I  
15 had prepared. Whether this is the one I had prepared or not, I  
16 don't know. It looks identical as to the one that I had  
17 prepared.

18 Q. Would you look at pages 3 to 4, please, and reading to  
19 yourself, would you see whether there are any entries related  
20 to a meeting involving Hakan Atilla --

21 MR. KAMARAJU: Objection.

22 THE COURT: I'll allow it.

23 Q. -- and yourself between April 4th and April 22nd, 2013,  
24 meetings with Hakan Atilla?

25 A. Can we go to the fourth page, please?

HC6PATI4

Zarrab - Cross

1 Q. I can't hear you, I'm sorry.

2 THE INTERPRETER: Can we go over to the fourth page,  
3 please.

4 MS. FLEMING: Yes, can we go over to page 4, please.

5 Q. You've had an opportunity to review it?

6 THE DEPUTY CLERK: One second, counsel. I'm switching  
7 batteries in the microphone. Thank you.

8 BY MS. FLEMING:

9 Q. Have you had an opportunity to review 3501-54, on pages 3  
10 to 4?

11 A. Yes, ma'am, I have.

12 Q. And there are no entries for any meetings involving --

13 THE COURT: That's not -- is that a question or are  
14 you testifying?

15 MS. FLEMING: I was going to say "is there" at the  
16 end, your Honor.

17 THE COURT: I think you should ask the question.

18 BY MS. FLEMING:

19 Q. I am correct, am I not, sir, that there are no entries for  
20 any meetings between you and Mr. Hakan Atilla between the time  
21 period of April 4th through April 22nd, 2013?

22 MR. KAMARAJU: Objection, your Honor.

23 THE COURT: I'll allow it.

24 A. In this version, that does not exist, ma'am.

25 Q. And you created this by using recordings such as the



HC6PATI4

Zarrab - Cross

1 recordings we've been listening to here, in part; isn't that  
2 correct?

3 A. No, not just the recordings, ma'am.

4 Q. And you used the recordings as part of what you used to  
5 create this document, correct?

6 A. It is true that I used the phone conversations also in  
7 order to refresh my mind, ma'am.

8 Q. And the version that we are looking at is created as of  
9 November 16th, 2017, correct, sir?

10 A. That is -- the date that is shown on this document is  
11 11-16-2017, ma'am.

12 Q. We were discussing before lunch April 10th, 2013; do you  
13 remember that?

14 A. Yes, ma'am, I remember.

15 Q. And do you recall that we had just played for the jury  
16 Government Exhibit 295? Do you recall that?

17 A. I remember, ma'am.

18 MS. FLEMING: And may I impose on you, Mr. White, so  
19 that the jury can see this, Government Exhibit 295-T, page 2?

20 May I approach the easel, your Honor?

21 Q. Can you see, Mr. Reza? And the call on GX295 is the call  
22 where you say, and you have testified, that Mr. Atilla knows  
23 nothing about the food being fake, correct?

24 A. This is the phone conversation where Mr. Atilla has no  
25 information about the food trade not being real.

HC6PATI4

Zarrab - Cross

1 Q. And that's on April 10th, 2013, at 11:45 a.m., correct?

2 A. Pursuant to the document that I'm being shown here. I  
3 cannot see this.

4 MR. KAMARAJU: Is that all right, your Honor?

5 THE COURT: Oh, yes. It's okay for you, but not for  
6 me because I can't see it either.

7 So to eliminate the suspicion, what have you got on  
8 the board?

9 MS. FLEMING: I'm sorry. I should read it out loud.  
10 What I have written here, please tell me if you agree,  
11 "April 10, 2013, GX," Government Exhibit, "295, 11:45 a.m."

12 THE COURT: That's it?

13 MS. FLEMING: That's it.

14 A. Yes, ma'am.

15 MS. FLEMING: Could I ask that we bring up Government  
16 Exhibit 238, which I believe is in evidence, 238-T, page 2,  
17 please. Could we please play Government Exhibit 238.

18 THE COURT: Have we before?

19 MR. KAMARAJU: Yes, your Honor.

20 MS. FLEMING: All right. Apparently, Mr. White  
21 doesn't have that one; so we'll skip playing that one.

22 Q. This is the conversation on April 10th, 2013, at 8:52 in  
23 the morning; do you see that?

24 A. Based on the document that I'm being shown here, that is  
25 correct.

HC6PATI4

Zarrab - Cross

1 Q. And this is the phone call, Government Exhibit 238, where  
2 you have Serdar, one of your employees, go pick up customs  
3 books, manifests; is that correct?

4 A. That is correct, ma'am.

5 Q. And that was for the reason that you wanted to have blank  
6 manifests in order to make cikinova, documents for cikinova,  
7 correct?

8 A. This is one of the documents that we would be submitting to  
9 the bank as part of that package to be sent to the bank, and  
10 this one would pertain to food trade that would not involve any  
11 real food trade; so in that sense, it is correct, ma'am.

12 Q. And this call was before your call to Mr. Atilla, correct?

13 A. Based on this document, that is correct, ma'am.

14 MS. FLEMING: Your Honor, with your permission, I'm  
15 simply going to add Government Exhibit 238 and the time of the  
16 call. So I have placed on the board "GX238, 8:52 a.m."

17 Next, I'm going to ask to pull up Government  
18 Exhibit 297, which is in evidence.

19 Q. Do you see that Government Exhibit 297 is a phone call  
20 between you and Mr. Happani on April 10th at 6:58 p.m.?

21 A. Based on the document that I am being shown, I see that,  
22 ma'am.

23 (Continued on next page)  
24  
25

HC63ATI5

Zarrab - Cross

1 Q. Could I ask that you turn to page four. Do you see halfway  
2 down, this is the call where you say to Mr. Happani, "Hakan  
3 Atilla threw a wrench in the gears and he threw this thing."  
4 Do you see that?

5 A. Yes, I see that, ma'am.

6 Q. A little bit above that, you say "The man made the call in  
7 my presence." Just below that you say, "and said 'you will do  
8 this job.'" Do you see that?

9 A. I see that, ma'am.

10 Q. You testified the other day -- withdrawn.

11 Am I correct that you testified the other day that  
12 between the phone call in the morning and this phone call at  
13 6:58, you went to the bank and met with Suleyman Aslan?

14 A. I did not testify as to the date and the time of day of  
15 that, but it is true that I did say that I had met with  
16 Suleyman Aslan on that day.

17 Q. It was between the time of the call in the morning when  
18 Mr. Atilla did not know what was going on with the  
19 transactions, and the time that you told Mr. Happani about  
20 this, correct?

21 A. It is true that I visited with Mr. Suleyman at Halkbank  
22 after I had talked with Mr. Hakan Atilla; that is correct,  
23 ma'am.

24 Q. That same day, correct?

25 A. Yes, ma'am. Based on this document.

HC63ATI5

Zarrab - Cross

1 MS. FLEMING: Your Honor, may I approach the easel?

2 Q. I'm going to add here -- this call took place at  
3 6:58:31 p.m., correct?

4 A. Based on the document that's being shown to me, that is  
5 correct, ma'am.

6 Q. So I have added to the board "Government Exhibit 297, at  
7 6:58 p.m."

8 You already had an appointment to see Mr. Aslan that  
9 day; isn't that correct?

10 A. Yes, that is correct, I went to the bank in order to meet  
11 with Mr. Suleyman Aslan on that day, ma'am.

12 Q. You had made an appointment on April 9 in order to see  
13 Mr. Aslan on April 10, correct?

14 A. I don't remember when I made that appointment, ma'am.

15 MS. FLEMING: Could we pull up 1002-T, please. It's  
16 in evidence. And go to pages 14 to 15.

17 Q. Do you see on the bottom of page 14 -- I'm sorry this is  
18 the English version. Let me get you the Turkish version.

19 Do you see at the bottom -- it is a different page.

20 MS. FLEMING: Go one page back. We're looking for the  
21 entry for 4/9.

22 Q. Do you see the entry at April 9, bottom of page 14 in the  
23 English that says "My dear general manager, I would like to  
24 visit you at a convenient time if it's okay with you." Do you  
25 see the response Mr. Suleyman says "Tomorrow at 4 p.m. is

HC63ATI5

Zarrab - Cross

1 convenient."

2 A. I see that, ma'am.

3 MS. FLEMING: If you can go to the next page. You can  
4 take that down.

5 Q. So you went to the bank on April 10. Do you remember what  
6 time in fact you went to the bank?

7 A. No, I don't remember exactly, no.

8 MS. FLEMING: Your Honor, may I approach?

9 THE COURT: Yes.

10 Q. I'd like to show you -- I have to mark it. Sorry.

11 I'd like to show you what's been marked Defendant's  
12 903 and I'll ask you if you will look at it and see if it  
13 refreshes your recollection as to what time you visited  
14 Halkbank on April 10, 2010.

15 A. There is a time mentioned here that as to when I had gone,  
16 but looking at it does not refresh my mind.

17 Q. Does it refresh your recollection that you kept your  
18 appointment at 4 o'clock on April 10?

19 A. I did go to Halkbank on April 10 in order to meet with  
20 Mr. Suleyman Aslan. But whether that was at 3:30, 4:30 or  
21 5 o'clock, I don't recall.

22 MS. FLEMING: Come we bring up, please, Government  
23 Exhibit 298-T. This is in evidence. Page two, please.

24 Q. This is the conversation that you had and testified about  
25 with Hakan Aydogan. Do you remember testifying to that?

HC63ATI5

Zarrab - Cross

1 A. Yes, ma'am, I remember it.

2 Q. This call to Mr. Aydogan was on April 10, at 8:02 p.m.;  
3 isn't that correct?

4 A. Based on the document that I'm being shown here, that is  
5 correct.

6 MS. FLEMING: Your Honor, I have written "GX 298,  
7 8:02 p.m." on the board.

8 Q. You testified on December 1st that you had, prior to this  
9 telephone conversation on April 10, had never spoken to Hakan  
10 Aydogan about doing the food business; do you remember  
11 testifying to that?

12 A. I would have said that I don't remember having that  
13 conversation.

14 Q. Do you remember being asked on December 1st, page 555, the  
15 following question and giving the following answer:

16 "Q. Prior to this conversation, had you ever spoken to Hakan  
17 Aydogan about doing the food business?

18 "A. No. I had not talked to him regarding this matter."

19 Do you remember giving that answer to that question?

20 A. I don't recall exactly, but if it's on court records, it is  
21 correct.

22 Q. And that was December 1st. Correct?

23 A. I don't recall the date either because I've been testifying  
24 for a few days now.

25 Q. If you look at the first lines, three lines on Government

HC63ATI5

Zarrab - Cross

1 Exhibit 298, you say "Mr. Hakan, greetings again."

2 A. Yes, ma'am, I see that.

3 Q. And then you go on -- the next line Mr. Aydogan says, "Um,  
4 sorry, I did not" unintelligible "at the meeting for."

5 Do you see that line?

6 A. Yes, ma'am, I see that.

7 Q. When had you spoken to Mr. Hakan Aydogan that you were  
8 giving him greetings again at 8:02 on April 10, 2013?

9 A. If I recall correctly, we had possibly exchanged phone  
10 calls, and when I had called he had said he was in a meeting  
11 and he would return to me later, and then he called me back.

12 Q. Was that on the same day, April 10, 2013, that you had this  
13 conversation that he would call you back?

14 A. I recall that to be so, ma'am.

15 Q. Was this after Mr. Suleyman Aslan called Mr. Atilla in your  
16 presence at the meeting that afternoon at Halkbank and ordered  
17 him to do the job?

18 A. That time, I remember it to be after that, ma'am.

19 Q. You remember it after the meeting where Mr. Suleyman in  
20 your presence called and told Mr. Atilla to do the job?

21 A. That is what I remember to be, ma'am; that's correct.

22 Q. So on the board, you don't remember the time, but it was  
23 somewhere in the afternoon that you were in Mr. Suleyman's  
24 presence for your 4 o'clock appointment, correct?

25 A. That is correct, ma'am.



HC63ATI5

Zarrab - Cross

1 Q. Do you remember how long you were with Mr. Suleyman at your  
2 appointment at Halkbank?

3 A. I do not remember, ma'am.

4 Q. But after that meeting, and before 8:02 with Government  
5 Exhibit 298, you had a brief call with Mr. Aydogan?

6 A. Not a conversation. Just that he was not available, that  
7 he would return back to me.

8 Q. Was it a phone call or a meeting while you were at  
9 Halkbank?

10 A. I recall it to be a phone conversation, ma'am.

11 MS. FLEMING: Over on the right under the appointment  
12 and above anything else, I'm going to put "conversation with  
13 Hakan Aydogan."

14 Q. In any of the recordings that you have reviewed or listened  
15 to, in discovery or your 35 meetings with the prosecution team,  
16 have you seen a recording with Hakan Aydogan on April 10, 2013,  
17 other than Government Exhibit 298 that we've played?

18 A. I don't recall such conversation among the conversations  
19 that I listened to.

20 Q. But you are sure you did not have a meeting in person with  
21 Mr. Hakan Aydogan while you were at Halkbank on April 10, 2013.

22 A. I don't recall having a face-to-face meeting with Mr. Hakan  
23 Aydogan on that day, ma'am.

24 MS. FLEMING: You can take that down, please.

25 Can we please put up and play Defense Exhibit 4-T. Go

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Zarrab - Cross

1 to page two, please.

2 Q. Do you recognize --

3 MS. FLEMING: Let's play the call first. Can we  
4 please play Defendant's Exhibit 4. Play that, please,  
5 Mr. White.

6 (Audio recording playing)

7 Q. That's another call with Serdar who works for you?

8 A. Yes, ma'am, that's correct.

9 Q. Is this also a conversation about picking up the documents  
10 at customs?

11 A. That is correct, ma'am, that's what it's about.

12 Q. This one is at 11:43 a.m. on April 10, correct?

13 A. In line with the document that I'm being shown here, that  
14 is correct, ma'am.

15 MS. FLEMING: I'm putting up on the board, your Honor,  
16 "Defendant's Exhibit 4, at 11:43 a.m."

17 You can take that down, Mr. White.

18 Q. Mr. Suleyman picked up the phone in your presence and  
19 called Hakan Atilla and said "You will do this job." Do you  
20 recall that, correct?

21 A. Yes, ma'am, I remember.

22 Q. And then you met with him shortly after that to go over the  
23 plans that he was going to help you improve on your system; is  
24 that correct?

25 THE COURT: Who is the "he"?

HC63ATI5

Zarrab - Cross

1 MS. FLEMING: Mr. Zarrab and Mr. Atilla.

2 THE COURT: What was the question?

3 MS. FLEMING: Now you push me, Judge. I'll start  
4 over.

5 Q. After this April 10 meeting with Mr. Suleyman, you had a  
6 meeting with Mr. Atilla and Mr. Suleyman, correct?

7 A. As I have testified before, I did not recall the time of  
8 this meeting with Mr. Hakan Atilla and Mr. Suleyman, ma'am.

9 Q. It was an important enough event that Mr. Suleyman Aslan  
10 picked up the phone in your presence and called Mr. Atilla and  
11 said "You will do this job," correct?

12 A. Doing the food trade was certainly very important, so that  
13 is correct, ma'am.

14 Q. And yet, you cannot tell us with any more specificity than  
15 it was the fourth or the fifth month of the year of 2013 that  
16 you had this important meeting with Mr. Atilla?

17 A. Ma'am, the seat that I'm in over here gives me the  
18 responsibility to speak 100 percent truthfully as to what I  
19 remember. When I do not remember something, I cannot speak to  
20 that. I cannot speak to that.

21 Q. And you can't give us any better date than the fourth or  
22 the fifth month of the year in 2013, despite working on Excel  
23 spreadsheets and putting -- listening to all the recordings and  
24 looking at all the discovery and records in this matter for the  
25 last several months; is that correct?

HC63ATI5

Zarrab - Cross

1 A. That is how it is, ma'am. If there was any specific  
2 information, I would have mentioned it now.

3 MS. FLEMING: Can we pull up 5-T, please, page two.

4 Q. When do you remember speaking next to Mr. Atilla? Can you  
5 give us any time or date when you next remember speaking to him  
6 after the April 10, 2013, phone call that we've put on the  
7 board?

8 A. No, ma'am.

9 THE COURT: We're going to take a two-minute break.

10 (Recess)

11 (Continued on next page)

HC63ATI5

Zarrab - Cross

1 (At the sidebar)

2 THE COURT: I'm just looking over the December 6  
3 letter from the government, and I want to know from the  
4 defense, do you want to respond?

5 MR. ROCCO: Yes.

6 THE COURT: In writing?

7 MR. ROCCO: Yes.

8 THE COURT: And realistically, when do you want to do  
9 that?

10 MR. ROCCO: We'll try to have it to you early this  
11 evening, Judge.

12 THE COURT: Okay.

13 MR. ROCCO: We're working on it as we speak.

14 THE COURT: Okay. Then I think we should have some  
15 oral discussion of it.

16 MR. ROCCO: Sure.

17 THE COURT: Probably 9 o'clock I'd say.

18 MR. ROCCO: At 9?

19 THE COURT: Is that okay?

20 MR. ROCCO: Yes.

21 MR. DENTON: That's fine. We were not asking for any  
22 action on the Court's part. We just wanted to let you know.

23 THE COURT: Understood. Okay. So, I think I would  
24 probably give you each 10, 15 minutes. Is that enough?

25 MR. ROCCO: That's fine with me, Judge.

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Zarrab - Cross

THE COURT: In the morning at 9 o'clock.

(Continued on next page)

HC63ATI5

Zarrab - Cross

1 (In open court; jury present)

2 THE COURT: Ms. Fleming, we'll continue with your  
3 cross.

4 THE DEPUTY CLERK: Sir, again to remind you that  
5 you're still under oath.

6 THE WITNESS: Yes.

7 THE DEPUTY CLERK: Thank you.

8 MS. FLEMING: Your Honor, may I proceed?

9 THE COURT: Yes.

10 MS. FLEMING: Thank you.

11 Q. I believe we were about to play 5-T. Does everybody have  
12 it?

13 (Audio recording playing)

14 Q. I'd like to direct your attention to page one at the  
15 bottom, Mr. Zarrab. And first, Binnur is an employee from  
16 Halkbank, correct?

17 A. That is correct, ma'am.

18 Q. She's an employee in the foreign operations department at  
19 Halkbank; is that correct?

20 A. I do not remember, ma'am. I seem to remember that perhaps  
21 she was at a branch, a branch employee. But, I don't remember  
22 where, how, or what title she held, so I don't remember.

23 Q. You have a hard time remembering which employee is who at  
24 Halkbank; is that fair to say?

25 A. No, that would not be fair.

HC63ATI5

Zarrab - Cross

1 Q. Down at the bottom, you say to Binnur from Halkbank when  
2 she asks about the invoice document, "They will all be from  
3 Dubai for now. Yesterday, um, we talked with, um, what was the  
4 gentleman's name, um, with Mr. Hakan."

5 Do you see that?

6 A. Yes, ma'am.

7 Q. You spoke with two Hakans on the day before, April 10,  
8 correct?

9 A. That's correct, ma'am.

10 Q. Which Hakan are you talking about in that part of the  
11 conversation?

12 A. It could be either of the Mr. Hakans, ma'am.

13 Q. When you go to page three, it says at the top "Yesterday we  
14 talked regarding all the documents. The customs. First, we  
15 will give you a pro forma invoice."

16 Do you see that paragraph?

17 A. Yes, ma'am, I see that.

18 Q. If goes on to say "We will get the money in the account.  
19 We will give you the pro forma invoice of the company, from  
20 which we will purchase the sugar, purchase the rice, purchase  
21 the wheat and purchase the soy. We will send the money there."

22 Do you see that?

23 A. Yes, ma'am, I see that.

24 Q. Who is the "we" that you are telling Binnur from Halkbank  
25 that you discussed all the documents on April 10, 2013?



HC63ATI5

Zarrab - Cross

1 A. It's myself, Mr. Suleyman, Mr. Hakan, both Mr. Hakans.

2 Q. Both Mr. Hakans.

3 A. Yes, when we look at the previous conversations, we know,  
4 we see that I had talked with both Hakans on the day before.

5 Q. But, you had not discussed with Mr. Atilla the day before  
6 that you would give the pro forma invoice of the company from  
7 which you would purchase the sugar, purchase the rice, purchase  
8 the wheat, and purchase the soy, did you, sir?

9 A. It may not be the exact rice, sugar, or wheat or soy, but  
10 someone who knows the business, if someone knows the business  
11 would listen to this conversation, that they would be able to  
12 easily tell that I'm talking about the same thing. In other  
13 words, this is describing the exact same thing as a whole.

14 Q. You're talking to Mr. Atilla in the morning about his  
15 understanding that there would be a letter of credit in place  
16 for these food transactions; isn't that correct, sir?

17 A. It is not me that is telling this to Mr. Hakan Atilla.  
18 Mr. Hakan Atilla himself is saying this. And whether he had  
19 concluded this from a conversation with the branch or perhaps  
20 through his general manager, I don't know how he may have had  
21 that perception. But, he's the one that is talking about the  
22 use of the letter of credit in conjunction with the food trade.  
23 I'd like to emphasize that's how he thought, that's how he  
24 perceived it.

25 Q. And he was talking about payment for the foods, correct?

HC63ATI5

Zarrab - Cross

1 A. Yes, ma'am.

2 Q. And again, he thought these were real food transactions.  
3 You've told us that, correct?

4 A. As of that date, he certainly thought these were real food  
5 transactions, ma'am; that is correct.

6 Q. Then you spoke that evening to Hakan Aydogan and you lied  
7 to him about what the transactions would be, correct?

8 A. Mr. Hakan Aydogan did not have information as to the  
9 reality of this trade either, ma'am; that is correct.

10 Q. So you lied to him, correct?

11 A. That is correct, yes, ma'am.

12 Q. And now on April 11, the next morning, at 9:33 you're lying  
13 to Binnur at Halkbank, correct?

14 A. Since Ms. Binnur does not have information on this either,  
15 that is correct, ma'am.

16 MS. FLEMING: Could we please pull up Government  
17 Exhibit 240-T. I don't remember if we played this one. It  
18 would probably be quicker if we played it than talking about  
19 it.

20 Q. This is a conversation between you and Mr. Happani?

21 A. That is correct, ma'am. This is a phone conversation  
22 between myself and Mr. Abdullah Happani.

23 (Continued on next page)

HC6PATI6

Zarrab - Cross

1 Q. And you call him within minutes of speaking to Binnur,  
2 correct?

3 A. I did not look at the time that was indicated on the  
4 previous recording in terms of timing. I just do not remember.

5 Q. And you tell Mr. Happani, let's do researches on the prices  
6 right away and do sugar. He had obtained a pro forma from that  
7 Brazilian company in the past. Do you see that?

8 A. I'm saying that Mr. Gudarzi could quickly resource this  
9 because Mr. Gudarzi had obtained a pro forma invoice from  
10 Brazil pertaining to sugar in the past.

11 Q. And you told us that Mr. Gudarzi actually had an office  
12 physically located within your offices, correct?

13 A. That is absolutely correct.

14 Q. Now, your offices were not near Halkbank, were they, or in  
15 Halkbank?

16 A. Our office was not within Halkbank, no.

17 MS. FLEMING: Could we pull up Government  
18 Exhibit 300-T. 300T is in evidence and we've played it.

19 Q. Do you remember this call, Mr. Zarrab?

20 A. I remember, ma'am.

21 Q. Now, this is a call where you are complaining to  
22 Mr. Happani about all the documents that are being asked of you  
23 from the people at Halkbank; isn't that correct? In part.  
24 There's other parts of the conversation, but in part?

25 A. I'd like to answer this question with remembering what is

HC6PATI6

Zarrab - Cross

1 there; so if you can turn to that page and highlight that  
2 section for me, then I can answer.

3 Q. Let's start on page 2, at the bottom.

4 A. Yes, ma'am.

5 Q. Do you see at the bottom of page 2, Mr. Happani is telling  
6 you that he did what you recommended but the accounting  
7 department is being difficult?

8 A. Yes, ma'am, I see that.

9 Q. And if you go further down, the bottom of the page going  
10 over, Mr. Happani tells you: "There is this thing in addition  
11 to the one month. Because of this invoice, this thing" and  
12 then it goes on to talk about the difference in prices of gold;  
13 do you see that?

14 A. Yes, ma'am, I see that.

15 Q. And this pertains to you are having issues with regard to  
16 the fluctuating prices of gold, and you don't want Halkbank to  
17 be nagging you for documents at this time, correct?

18 A. That is not correct. What we have here is that Mr. Happani  
19 is requesting from me, due to the abnormal difference in gold  
20 prices, that the documents being requested be delayed by about  
21 a month or so.

22 Q. And you told us, you testified that Halkbank wanted you to  
23 turn documents in within a certain period of time, correct?

24 A. Yes, ma'am; that is correct.

25 Q. And then if you go down to the bottom of page 3,

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Zarrab - Cross

1 Mr. Happani says that: "We had turned in the partnership  
2 structure to the bank, but it's not certified. They want a  
3 certified copy;" do you see that?

4 A. Yes, ma'am, I see that.

5 Q. And the partnership structure is what you testified about  
6 before, which is Halkbank required partnership or shareholder  
7 structures for Iranian companies to make sure they were not  
8 directly or indirectly owned by the Iranian government,  
9 correct?

10 A. That is correct, ma'am.

11 Q. And if you go over to page 4, this is where you say you  
12 don't want to be calling the man, basically, Mr. Suleyman; is  
13 that correct?

14 A. Yes. I mean Mr. Suleyman Aslan in that section; that is  
15 correct, ma'am.

16 Q. And then you say: "Long live photo shop," correct?

17 A. That is correct, ma'am.

18 Q. And your reference to "just get it printed;" do you see  
19 that?

20 A. Yes, ma'am, I see that.

21 Q. Turning to what is in evidence as Government Exhibit 244,  
22 please, T. Do you remember this conversation? We played this  
23 one, I believe.

24 A. I remember ma'am, yes.

25 Q. Now, if you look at the bottom of page 2, Mr. Happani is

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Zarrab - Cross

1 telling you, we have their six million and change in Turkish  
2 Lira and we have nothing else in the moment; do you see that?

3 A. Yes, ma'am, I see that.

4 Q. And then if you go over to page 3, you ask Mr. Happani, on  
5 April 16th, 2013: "Have you received the customs documents?"  
6 Do you see that?

7 A. Yes, ma'am, I see that.

8 Q. And Mr. Happani says: "Yes, the documents arrived, but I  
9 haven't had a chance to do anything with it yet"?

10 A. Yes, ma'am, I see that.

11 Q. A little farther down, you instruct Mr. Happani to have  
12 someone make ten copies of what you sent to the office and put  
13 them in the safe, it's very important, correct?

14 A. So that is not the entire sentence there. The sentence  
15 that was mentioned by madam is not complete. What I'm saying  
16 in that section, in that sentence, is that of the documents  
17 that I sent to the office, make ten copies, put them in the  
18 safe, this is very important, and if they get misplaced, our  
19 business stops, and also send it as-is for translation, as-is.  
20 That's what I was saying.

21 Q. Were these -- was this document the certified copy of a  
22 document from Iran that only your company could get? Is that  
23 what you're referencing here that you wanted copies of?

24 A. Yes. We had obtained a document from Iran in order to be  
25 able to stop our competitors, and this is that document that

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Zarrab - Cross

1 I'm talking about here, ma'am.

2 Q. We'll get to that probably tomorrow, but one of your  
3 competitors was somebody named -- forgive me for my  
4 pronunciation -- Mr. Alacaci?

5 A. Mr. Ahmet Alacaci, that is correct, ma'am.

6 Q. And then a little later you say: "Oh, and I wanted to ask  
7 if the customs paperwork had arrived from Dubai;" is that  
8 right?

9 A. Yes, ma'am, I see that.

10 Q. Mr. Happani tells you that you're still waiting for those  
11 documents, correct?

12 A. Yes, that is correct, ma'am.

13 Q. And these are the blank customs documents that you had  
14 requested earlier, on April 9th and April 10th, correct?

15 A. Yes; that is correct, ma'am.

16 Q. I'd like to pull up 6T and then play Defense Exhibit 6,  
17 please, which we've agreed to put in subject to connection.

18 (Audiotape played)

19 Mr. Zarrab, is that you on the conversation on  
20 April 17th, 2013, at 5:15 p.m.?

21 A. It is myself and my uncle who are the participants in this  
22 phone conversation, and the date and the time of this  
23 conversation as shown on the document provided to me here is  
24 April 17th and 5:15, ma'am.

25 Q. This conversation is actually in Azerbaijani instead of

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Zarrab - Cross

1 Turkish, correct?

2 A. That is a different dialect; that is correct, ma'am.

3 Q. The reference that your uncle says to, it is a difficult  
4 job here, they are not giving it, do you know why? And then  
5 down below he says: "I want a colored photocopy of it,  
6 colored." To what is your uncle referencing?

7 A. Ma'am, if we were to go back to the other conversations  
8 regarding my request from Serdar, I'm saying that he should get  
9 them to my uncle, and my uncle was in Dubai during that time  
10 frame also. But since they're not going to the customs  
11 building in Kor that I had told him, that is why they are  
12 unable to obtain this document. In other words, they had gone  
13 to the wrong customs building, and that's why they're unable to  
14 get this document.

15 Q. And you're talking about he's trying to obtain for you  
16 customs documents from Dubai; is that correct?

17 A. It's the bill of lading, ma'am, that's what I'm referring  
18 to.

19 Q. So he's trying to obtain for you bills of lading that are  
20 blank that you can fill out and use for your business?

21 A. They're referring to the documents that I've been shown by  
22 the prosecution earlier, ma'am.

23 Q. And this conversation, where you asked your uncle to get  
24 involved, is as of April 17th, 2013, correct?

25 A. Based on this document that is shown to me, that's what it



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Zarrab - Cross

1 is. I don't personally recall what the date was, ma'am.

2 Q. Do you remember if you were in Dubai at about that time,  
3 when your uncle was looking for these documents?

4 A. What I remember is this, ma'am, since they were not able to  
5 go to the correct place and get these documents in Dubai, I  
6 ended up going to Dubai myself and went to the right place and  
7 got these documents myself.

8 Q. And do you remember if you went to Dubai in that time  
9 frame, in that April time frame?

10 A. I don't remember exactly, but that could be.

11 MS. FLEMING: Could we pull up and play, please, play  
12 Defendant's Exhibit 8, which is being admitted subject to --  
13 and pull up transcript 8-T.

14 (Audiotape played)

15 Could we pull up, please, Government Exhibit 1002-T  
16 and go to page 19. I'm sorry, Page 20. The wrong page.

17 A. If I may please request that the Turkish version is also  
18 placed on the screen?

19 Q. And for the Turkish version, we're going to look for the  
20 entry that is April 16, 2013, at 14:12:33.

21 And if we look in the English, do you see that it says  
22 that you have landed in Dubai and will return tomorrow night?

23 A. Yes, I see that, ma'am.

24 Q. So you are in Dubai on April 16th and returning on the  
25 night of April 17th, correct?

HC6PATI6

Zarrab - Cross

1 A. It shows that I have gone to Dubai on 16th of April, but as  
2 to the return date, there is nothing specific here, and I don't  
3 recall when I had returned from Dubai either.

4 Q. Do you see the reference, "I will return tomorrow night"?

5 A. Yes, ma'am, I see that, but I could have returned on the  
6 same day, I could have returned a day late or I could have  
7 returned earlier. It could be that the plane had taken off at  
8 a different or delayed time; so it would not be right for me to  
9 give a certain date for that.

10 Q. Do you have any recollection of meeting with Mr. Atilla on  
11 April 16th or 17th?

12 A. No, I don't remember anything like that, ma'am.

13 MS. FLEMING: Could we pull up, please, Defendant's  
14 Exhibit 9-T.

15 Are we going until 5:00 or 4:30? I'll time it.

16 THE COURT: 4:30.

17 MS. FLEMING: Can we pull up 9-T, and this is a call  
18 on April 19th, 2013, at 12:32.

19 (Audiotape played)

20 Could we please pull back up both the English and the  
21 Turkish versions of Government Exhibit 1002, and on the  
22 English, I'd like you to go to page 21 and on the Turkish, it  
23 will correspond to April 18th, 2013, at 11:00.

24 A. If I may please have the reference for the row again,  
25 please.

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Zarrab - Cross

1 Q. It is for April 18, 2013, at 11:00.

2 A. It came up now. Thank you.

3 Q. By the way, 11:00 is not actually 11:00 a.m. in Istanbul,  
4 is it? It's -- the time stamp reflected in these records has a  
5 three-hour difference from the actual time; isn't that correct?

6 A. I have no information with regards to that, ma'am.

7 Q. Would you look at that April 18, 2013, and do you see that  
8 you say: "Have a good day, my dear general manager. I  
9 returned. The translations are ready. If you are available, I  
10 would like to submit them tomorrow to you." Do you see that?

11 A. Yes, I see that, ma'am.

12 Q. And Mr. Suleyman replies that: "Of course. I'll be  
13 expecting you at 11," and he says: "AA will also come."

14 AA is Ahmet Alacaci, isn't it?

15 A. Yes, ma'am, that is Ahmet Alacaci.

16 Q. And that is the person who is the competitor that  
17 Mr. Suleyman is keeping out of competing with you in business,  
18 correct?

19 A. Yes, ma'am, that is correct.

20 Q. Now, before we read the next sections, you go to Halkbank  
21 on April 19th, 2013. Does this refresh your recollection that  
22 you're there on that date?

23 A. Based on the conversations that are shown here, that's what  
24 looks like to be the case, but I don't remember the exact date  
25 myself. But based on what I see here, that seems to be the

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Zarrab - Cross

1 case.

2 Q. And did you have the specific conversation you talked  
3 about, with Mr. Hakan Atilla at that meeting at Halkbank on  
4 April 19th, 2013?

5 THE INTERPRETER: Could you please repeat that  
6 question?

7 Q. Did you have a specific conversation where you say he told  
8 you how to improve the process with Mr. Hakan Atilla at  
9 Halkbank on April 19th, 2013?

10 A. I did not understand the question very well. Are you  
11 referring to a meeting that was held on April 19th?

12 Q. I'm asking -- you have told us about a meeting with you and  
13 Mr. Suleyman Aslan and Mr. Atilla in which you say he told you  
14 how to structure the process, your system?

15 A. Yes. As in his contributions and his additions to it, yes,  
16 there was such a meeting.

17 Q. Did that happen at Halkbank on April 19th, 2013, according  
18 to you?

19 A. I do not remember, ma'am.

20 Q. Looking at Government Exhibit 1002 and starting with what's  
21 reflected as the time at 10:25 on April 19th, 2013 -- I think I  
22 misspoke. April 13th -- sorry, April 19, 2013, 10:25; do you  
23 see that?

24 A. If you could please put up the Turkish version too.

25 Q. That would help.

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Zarrab - Cross

1 A. Yes, ma'am.

2 Q. Would you read down for the next few lines, where it says:  
3 "My dear general manager, we came face to face with AA at the  
4 door." That's Mr. Alacaci, right?

5 A. Yes, ma'am, this is Ahmet Alacaci, that is correct, ma'am.

6 Q. And if you read down, you can see that Mr. Suleyman tells  
7 you --

8 A. I'm unable to see it. If it could be brought up on the  
9 screen, please.

10 MS. FLEMING: You have to do it in Turkish, please,  
11 Mr. White.

12 Q. If you read down, Mr. Suleyman tells you that he had  
13 conversations with Mr. Alacaci telling him that basically you  
14 brought appropriate documents, but his were insufficient,  
15 correct?

16 A. I'd like to request this one thing from the defense  
17 counsel, please, as they bring up these messages, if they could  
18 also please include who the sender was so that there's no  
19 mixup. I would request that.

20 Q. It's a fair request.

21 A. Thank you very much. Okay. Now, we can look at it. Go  
22 ahead, please.

23 Q. And Mr. Suleyman is telling you that, in essence, he told  
24 Mr. Alacaci that Mr. Alacaci's documents were insufficient,  
25 yours were fine, correct?

HC6PATI6

Zarrab - Cross

1 A. Yes, ma'am, that is correct.

2 Q. Now, do you remember specifically this meeting with  
3 Mr. Alacaci and you at Halkbank?

4 A. I did not have a meeting with Mr. Alacaci at the bank. We  
5 just came face to face.

6 Q. Do you remember the coming face to face with him at the  
7 bank that day?

8 A. Yes, ma'am, I remember that.

9 Q. So do you remember -- after meeting with him on that day,  
10 do you remember having a meeting you've described with  
11 Mr. Hakan Atilla, who described the system you've testified  
12 about here? Was it that day, following you seeing Mr. Alacaci  
13 at Halkbank?

14 A. As I had mentioned earlier, I do not recall that, ma'am.

15 Q. If we go back to what we just looked at, 9-T -- well,  
16 before we do that, do you remember anything about your meeting  
17 with Mr. Suleyman at Halkbank on April 19th, 2013, after you  
18 came face to face with Mr. Alacaci at the door on your way in?

19 A. The only thing, the most important thing that I recall from  
20 that date is that I had run into Mr. Alacaci because that one  
21 had historical meaning for me.

22 Q. When you look back at what we looked at as Government  
23 Exhibit 1002, you had indicated that you had received  
24 translations, and you would like to submit them tomorrow to  
25 you; do you remember reading that a minute ago?

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Zarrab - Cross

1 A. Yes, ma'am. I remember that.

2 Q. Do you remember submitting translations to Mr. Suleyman  
3 Aslan on April 19th, 2013?

4 A. I recall taking documents for Mr. Suleyman Aslan on that  
5 day, ma'am.

6 Q. Do you recall thinking documents? I'm sorry?

7 THE INTERPRETER: Taking.

8 Q. Taking. Do you remember giving them to him on that day?

9 A. I remember, ma'am.

10 THE COURT: Ms. Fleming, can I see you just for a  
11 minute with counsel.

12 (Continued on next page)

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HC6PATI6

Zarrab - Cross

1 (At the side bar)

2 THE COURT: Could I get an estimate of where this  
3 is -- how long?

4 MS. FLEMING: I guess I'm pretty close to finishing  
5 April.

6 THE COURT: Are you serious?

7 MS. FLEMING: Yes.

8 THE COURT: And then what?

9 MS. FLEMING: I have July.

10 THE COURT: How much time?

11 MS. FLEMING: Probably until lunch tomorrow. I have  
12 July calls. Judge, it will play out.

13 THE COURT: So then you're going to want redirect?

14 MR. KAMARAJU: Yes, but I can be pretty efficient with  
15 that.

16 THE COURT: I'm just trying to figure out the schedule  
17 for the balance of this week. Are you calling these government  
18 witnesses this week; is that the plan?

19 MR. KAMARAJU: Yes.

20 THE COURT: They would come when, next?

21 MR. KAMARAJU: There's one very short FBI witness.

22 THE COURT: And then?

23 MR. KAMARAJU: And then --

24 THE COURT: How many are there of them?

25 MR. KAMARAJU: Three.



HC6PATI6

Zarrab - Cross

1 MR. DENTON: Two who are substantive, and one is very  
2 brief.

3 THE COURT: I'm revisiting the motions in limine first  
4 on this issue. My gut reaction is that I would expand the  
5 cross-examination, but that's just a gut reaction based on the  
6 letter that was submitted today, but when you respond, I want  
7 you to indicate what you think the implications are.

8 MR. ROCCO: To the defense?

9 THE COURT: Yes.

10 MR. ROCCO: You bet.

11 THE COURT: Yes.

12 MR. ROCCO: You got it, Judge.

13 THE COURT: So that's what I'm trying to -- I was  
14 hoping to finish earlier so we could devote more time to this  
15 issue, which seems to me to be more pressing than, forgive me,  
16 asking him for the three or four hundredth time if he remembers  
17 the date of the meeting.

18 MS. FLEMING: Judge, I promise it will play out.  
19 Judge, I promise it will play out.

20 THE COURT: Okay. I'm sure. Okay. So we'll go to  
21 4:30.

22 MR. ROCCO: Thank you, Judge.

23 MS. FLEMING: And I'm almost done with April; so when  
24 I finish, that will be good.

25 THE COURT: Okay.  
(Continued on next page)

HC6PATI6

Zarrab - Cross

1 (In open court)

2 THE COURT: Okay. We're going to take a two-minute  
3 break.

4 (Jury not present)

5 THE COURT: So we're going to take a two-minute break.

6 (Recess)

7 (Jury present)

8 THE COURT: Okay. Please be seated. We're just going  
9 to go about five more minutes. We're going to end at 4:30 this  
10 evening.

11 MS. FLEMING: Your Honor, may I proceed?

12 THE COURT: Yes, sure.

13 THE DEPUTY CLERK: You're still under oath, sir.

14 THE WITNESS: (In English) Yes.

15 BY MS. FLEMING:

16 Q. I would just like to finish up on the conversation 9-T.

17 A. Yes, ma'am.

18 Q. All right. Can we go back to 9-T, please. I just want to  
19 finish up quickly. This is the call on April 19th, after you  
20 had seen Mr. Alacaci?

21 A. Yes, that's correct, ma'am.

22 Q. And you tell Mr. Happani when you come back: "Abdullah, I  
23 swear I forgot to talk about the invoice"?

24 A. Just to make sure that there's no misunderstanding, this is  
25 not that I'm not coming anywhere. This is on the phone, and

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Zarrab - Cross

1 I'm talking to Mr. Abdullah.

2 Q. "I swear I forgot to talk about the invoice"?

3 A. Yes, ma'am.

4 Q. You testified at the end of -- that after you had been  
5 arrested and then you were released -- withdrawn. Bad  
6 question, sorry.

7 You were arrested in Turkey in December of 2013,  
8 correct?

9 A. Yes, ma'am; that is correct.

10 Q. And you were in jail in Turkey for several months; isn't  
11 that correct?

12 A. I was in jail for 76 days, ma'am; that's correct.

13 Q. And when you came out, after some period of time, the  
14 charges against you were dismissed?

15 A. It is true that, for all involved in that investigation,  
16 that there was a decree to drop the charges; that is correct,  
17 ma'am.

18 Q. And after that decree from the courts, it was very highly  
19 publicized that that decree had come out and that you had been  
20 exonerated, correct?

21 A. On the TV and the press there was much news mentioned about  
22 the charges being dismissed; that is correct, ma'am.

23 Q. And, in fact, you did a TV interview of some length about  
24 the process and answered questions on television, correct?

25 A. If I recall correctly, that interview had happened prior to

HC6PATI6

Zarrab - Cross

1 the decree of dismissal, ma'am.

2 Q. But it was after you were released from jail, correct, in  
3 Turkey?

4 A. That is absolutely correct, ma'am, yes.

5 Q. And you issued a press release indicating that you were not  
6 guilty of any of these charges, correct?

7 A. I don't recall me covering anything in any of my sentences  
8 that I -- statements that I may have made, but I do recall that  
9 I made statements about the gold trade, and to that effect too,  
10 yes, ma'am. Excuse me. About gold smuggling accusations that  
11 were against me, I remember making statements about that,  
12 ma'am.

13 Q. And to be clear, you said the accusations against you were  
14 false?

15 A. I did say that those accusations about gold smuggling were  
16 false; that is correct, ma'am.

17 Q. And, again, very widely publicized throughout Turkey,  
18 correct?

19 A. That is correct. They were publicized, ma'am.

20 Q. Now, you returned to Halkbank, and you want to be a  
21 customer at the bank, correct?

22 A. I was already a customer at Halkbank, ma'am.

23 Q. And you wanted to resume the business is what you testified  
24 to two days ago, correct?

25 A. That is absolutely correct; yes, ma'am.

HC6PATI6

Zarrab - Cross

1 Q. And in response to the prosecutor's questions, you said,  
2 well, Mr. Suleyman Aslan was gone at that point, correct?

3 A. Yes, that is absolutely correct, ma'am.

4 Q. And Mr. Levent Balkan was gone at that point, correct?

5 A. Yes --

6 Q. So you approached --

7 A. -- Mr. Levent Balkan was not at Halkbank as of that time  
8 either, ma'am, that is correct.

9 (Continued on next page)

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HC63ATI7

Zarrab - Cross

1 Q. So you approached Ali Fuat at Halkbank to see if you could  
2 pick up the business again, correct?

3 A. I had a conversation with Mr. Ali Fuat, but prior to  
4 conversing with Mr. Ali Fuat, I had made another attempt,  
5 ma'am.

6 Q. But you didn't reach out and go to Mr. Hakan Atilla, who  
7 you said was instrumental in designing your scheme, correct?

8 A. I went to individuals that were much higher than Mr. Hakan  
9 Atilla, ma'am.

10 MS. FLEMING: Judge, I think this is an appropriate  
11 time to break, if it's okay with the Court.

12 THE COURT: It is. We are going to stop for today.  
13 Here's what I'd like to do. I'm going to give you my  
14 instructions in a moment. But it's my understanding that all  
15 or some of you have interest in taking some time to review your  
16 notes. Is that correct?

17 A JUROR: Yes.

18 THE COURT: So my proposal is that you do that  
19 tomorrow morning. So when you come, 9:30, Christine will have  
20 your notes in the jury room.

21 Now, you can't deliberate, right. Because that's  
22 going to be one of the instructions that I give. And also,  
23 remember that notes are not evidence. The notes are solely for  
24 the purpose of refreshing your own recollection of what you  
25 perceive the evidence to be.

HC63ATI7

1           So with that, let me give you my instructions and  
2 we'll adjourn until tomorrow. First, please do not talk with  
3 each other about this case or about anyone who has anything to  
4 do with it, until the end of the case, when you go to the jury  
5 room to decide or deliberate on your verdict.

6           When you review your notes, that's not to be  
7 deliberation. You understand that.

8           Second, do not talk with anyone else about this case  
9 or about anyone who has anything to do with it, until the trial  
10 has ended, and you have been discharged as jurors.

11           Third, do not let anyone talk to you about the case,  
12 or about anyone who has anything to do with it, and if someone  
13 should try and talk to you about the case, please report that  
14 to Christine or me immediately.

15           Fourth, do not read any news or internet stories or  
16 articles or blogs or listen to any radio or television or cable  
17 television or internet reports about the case or about anyone  
18 who has anything to do with the case.

19           And fifth, please do not do any type of research or  
20 any type of investigation about the case on your own.

21           So, good day. And we'll see you at 9:30 tomorrow.

22           (Jury excused)

23           (Continued on next page)

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1 THE COURT: I'm going to give you each 10 minutes  
2 thereabouts tomorrow for oral argument on the issues raised in  
3 the government's letter. And Mr. Rocco, when are we going to  
4 get your response to that letter?

5 MR. ROCCO: As quickly as --

6 THE COURT: I know, but I'm trying --

7 MR. ROCCO: Hopefully by 8 or 9 o'clock the latest,  
8 your Honor.

9 THE COURT: Okay. Fair enough. And Mr. Anello, does  
10 he have a copy also?

11 MR. KAMARAJU: No, but we can give him one.

12 THE COURT: You should share a copy with him too.

13 MR. DENTON: Just one thing briefly, we wanted to make  
14 a record about the transcripts that were shown to the jury  
15 today in connection with the defense exhibits. The transcripts  
16 and translations of the recordings marked as defense exhibits.

17 THE COURT: Right.

18 MR. DENTON: Those transcripts and translations were  
19 first provided to the government late last night. I think  
20 after the end of the court day. It is not something we'd ever  
21 seen before, so this is not a situation like government  
22 exhibits that are marked out of discovery. We saw those for  
23 the first time. We did not have a chance to have someone  
24 review them, so they include things like footnotes with  
25 interpretations.



HC63ATI7

1 THE COURT: I noticed it had footnotes.

2 MR. DENTON: We did not want to object because we did  
3 not want to run the risk of making this even more  
4 incomprehensible to the jury without having some sort of  
5 document to read. But this is part and parcel of something we  
6 noted on Friday, which is we have received no discovery and no  
7 expert report of any kind from the defense.

8 We're happy to go along to get along to a certain  
9 point, but I think we're getting to the point where, when we're  
10 seeing things for the first time the night before, we're going  
11 to start objecting to their introduction the next day.

12 THE COURT: Fair enough. See you tomorrow.

13 (Adjourned until December 7, 2017, at 9 a.m.)  
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